Journal of the Senate

Number 20—Regular Session **Monday, May 1, 2000**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Excused: Senator Dawson from 4:30 p.m. until 7:00 p.m.; Conferees periodically for the purpose of working on the budget implementing bill: Senator Casas, Chairman; Senators Burt, King, Lee and Rossin

PRAYER

The following prayer was offered by the Rev. Jim Schettler, Pastor, Pensacola Christian College Campus Church, Pensacola:

Dear Heavenly Father, we come to you today with grateful hearts, thanking you first of all for who you are and for what you desire to do for us, with us and through us. Thank you, Father, for allowing us to live in the great state of Florida. May we never forget all of your blessings and benefits to this special peninsula.

Grant the members of this body a spirit of cooperation that will enable them to complete the priorities of this day. I pray a hedge of protection around them and their loved ones. May they trust in you today to fulfill all the personal matters that could emotionally affect the responsibilities you have called them to. Give them the discernment today to separate right from wrong, and the courage to vote for what is right. Help them to be good stewards of the time and funds that have been entrusted to them. May each one understand they have been elected by us but ordained by you, the creator of government, and therefore, serve as your ministers.

Father, when they get discouraged, please give them a fresh view of their position and privilege to have an impact upon thousands of people for good. Show them that your grace will always be sufficient to do what is right. When they are confused about what is right on an issue, may they be willing to cry out to you to speak to their conscience.

Heavenly Father, when this day is done, may these legislators have a sense of accomplishment and a clear conscience that the decisions they were involved with today will make a difference in our state and for your glory. Amen.

PLEDGE

Senate Pages Stephanie Haskins of Boca Raton and Mark Johnson of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Holzendorf, by two-thirds vote **SB 1388**, **SB 2142**, **SB 2144** and **SB 2146** were withdrawn from the committees of reference and further consideration.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Latvala, the Senate resumed consideration of—

CS for SB 1720—A bill to be entitled An act relating to punitive damages in class-action suits; creating s. 768.733, F.S.; prescribing the amount of bond or equivalent surety required to stay the execution of punitive-damages judgments in class-action suits, pending appellate review; providing for application of the act to certain pending cases; providing an effective date.

—which was previously considered and amended April 28. Pending **Amendment 2** by Senator Latvala was adopted.

Senator Klein moved the following amendments which were adopted:

Amendment 3 (685110)—On page 3, lines 16-26, delete those lines and insert:

(3) The required bond or equivalent surety acceptable to the court for imposition of the stay shall be the lower of:

(a) The amount of the punitive-damages judgment, plus twice the statutory rate of interest; or

(b) Ten percent of the net worth of the defendant as determined by applying generally accepted accounting principles to the defendant's financial status as of December 31 of the year prior to the judgment for punitive damages.

Provided that in no case shall the amount of the required bond or equivalent surety exceed $100 million, regardless of the amount of punitive damages.

Amendment 4 (691034)—On page 3, lines 29 and 30, delete "*paragraph (3)(b) or paragraph (3)(c)*" and insert: *subsection (3)*

Pursuant to Rule 4.19, **CS for SB 1720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1680**, **CS for CS for SB 1694**, **SB 1696**, **CS for SB 780**, **CS for CS for SB 1206** and **SB 1692** was deferred.

On motion by Senator Cowin—

CS for CS for SB 2208—A bill to be entitled An act relating to adoption benefits for state and water management district employees; creating s. 110.152, F.S.; providing a monetary benefit for a state employee who adopts a special-needs child; providing a monetary benefit for a state employee who adopts a child not defined as a special-needs child; defining the term "special-needs child" for purposes of the act; providing procedure; providing for eligibility for parental leave; providing conditions of such leave; authorizing the Department of Management Services to adopt rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2208** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for CS for SB 1206—A bill to be entitled An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Department of Revenue; providing an exception; providing for a type two transfer of unemployment appeals referees to the Unemployment Appeals Commission; providing for a type two transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of

federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Department of Revenue; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Department of Revenue; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which failed:

Amendment 1 (730200)(with title amendment)—On page 12, line 23, insert:

Section 1. *This act may be cited as the "George Kirkpatrick Labor Act of 2000."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: providing a short title;

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2 (810972)(with title amendment)—On page 12, delete line 27 and insert: *of Workers' Compensation and the Office of the Judges of Compensation Claims are transferred by a type one*

And the title is amended as follows:

On page 1, line 7, after "Compensation" insert: and the Office of the Judges of Compensation Claims

Amendment 3 (314344)—On page 14, line 2, before the period (.) insert: *and the Office of the Judges of Compensation Claims. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation and the Office of the Judges of Compensation Claims as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance. The Department of Insurance may transfer and reassign positions as deemed necessary to effectively integrate the activities of the Division of Workers' Compensation. Appointments to time–limited positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code. Notwithstanding the provisions of section 216.181(8), Florida Statutes, the Department of Insurance is authorized, during Fiscal Year 2000–2001, to exceed the approved salary in the budget entities affected by this act.*

Amendment 4 (475568)(with title amendment)—On page 14, line 25 through page 15, line 5, delete those lines and insert:

Section 4. *Effective January 1, 2001, the Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation, except that all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the division related to the resolution of disputed claims for unemployment compensation benefits through the use of appeals referees are transferred*

by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Unemployment Appeals Commission. Additionally, by January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue to have the Department of Revenue provide unemployment tax administration and collection services to the Agency for Workforce Innovation. Upon entering into such contract with the Agency for Workforce Innovation to provide unemployment tax administration and collection services, the Department of Revenue may transfer from the agency or is authorized to establish the number of positions determined by that contract. The Department of Revenue, as detailed in that contract, may exercise all and any authority that is provided in law to the Division of Unemployment Compensation to fulfill the duties of that contract as the division's tax–administration and collection–services agent including, but not limited to, the promulgating of rules necessary to administer and collect unemployment taxes. The Department of Revenue is authorized to contract with the Department of Management Services or other appropriate public or private entities for professional services, regarding the development, revision, implementation, maintenance, and monitoring of electronic data systems and management information systems associated with the administration and collection of unemployment taxes.

And the title is amended as follows:

On page 1, line 30 through page 2, line 3, delete those lines and insert: Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax collection services; providing for transfer

Amendment 5 (301266)—On page 20, lines 13-17, delete those lines and insert:

(4)(a) There is created the Labor and Employment Security Transition Team, which will be responsible for coordinating and overseeing actions necessary to ensure the timely, comprehensive, efficient, and effective implementation of the provisions of this act, as well as implementation of any statutory changes to the Department of Labor and Employment Security's provision of workforce placement and development services through the Division of Workforce and Employment Opportunities. By February 1, 2001, the transition team shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report on the transition of the Department of Labor and Employment Security. The report shall include any recommendations on legislative action necessary during the 2001 Regular Session of the Legislature to address substantive or technical issues related to the department's transition. The transition team shall terminate on May 15, 2001.

Amendment 6 (090450)—On page 21, lines 22-30, delete those lines

Amendment 7 (812796)(with title amendment)—On page 75, line 25; on page 77, line 18; and on page 78, line 4, delete "Department of *Revenue*" and insert: *Agency for Workforce Innovation* ~~Department of~~

And the title is amended as follows:

On page 9, line 26; and on page 10, line 8, delete "Department of Revenue" and insert: Agency for Workforce Innovation

Amendment 8 (594156)—On page 107, lines 23 and 24, delete "*during the 2000–2001 fiscal year*"

Amendment 9 (225938)(with title amendment)—On page 73, between lines 25 and 26, insert:

Section 48. Effective October 1, 2000, section 215.311, Florida Statutes, is amended to read:

215.311 State funds; exceptions.—The provisions of s. 215.31 shall not apply to funds collected by and under the direction and supervision of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ as provided under ss. 413.011, 413.041, and 413.051; however, nothing in this section shall be construed to except from the provisions of s. 215.31 any appropriations made by the state to the division.

Section 49. Effective October 1, 2000, subsection (1) of section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

Section 50. Subsection (3) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(b) An employer not having a drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. An employer having a drug-testing program in place prior to July 1, 1990, is not required to provide a 60-day notice period.

(c) An employer shall include notice of drug testing on vacancy announcements for positions for which drug testing is required. A notice of the employer's drug-testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations.

Section 51. Subsection (1) of section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

(1) Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter.

Section 52. Paragraph (a) of subsection (11) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(11) AUDITS BY DIVISION; JURISDICTION.—

(a) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the division, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the division finds that a health care provider has improperly billed, overutilized, or failed to comply with division rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The division may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the division or carrier.

Section 53. Paragraph (f) of subsection (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

(4)

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the *Insurance Commissioner* ~~Secretary of Labor and Employment Security~~, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(5)

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The division shall promulgate rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the division and the Office of the General Counsel, Department of *Insurance* ~~Labor and Employment Security~~, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the division, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the division to pay record costs and filing fees from the Workers' Compensation Trust Fund pending final disposition of the costs of appeal. The division may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the division for costs incurred in opposing the petition, including investigation and travel expenses.

Section 54. Section 440.525, Florida Statutes, is amended to read:

440.525 Examination of carriers.~~ Beginning July 1, 1994,~~ The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law, and shall examine each carrier not less frequently than once every 3 years. The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after the end of the most recent fiscal year being covered by the examination. The examination may cover any period of the carrier's operations since the last previous examination.

Section 55. Subsections (1) and (2) of section 440.59, Florida Statutes, are amended to read:

440.59 Reporting requirements.—

(1) The Department of *Insurance* ~~Labor and Employment Security~~ shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

(2) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the Workers'

Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 11, after the semicolon (;) insert: amending ss. 215.311, 413.091, 440.102, 440.125, 440.13, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance;

Pursuant to Rule 4.19, **CS for CS for SB 1206** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for CS for CS for SB 2548—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; eliminating administrative responsibility of the Office of Tourism, Trade, and Economic Development for the sports franchise facility program, the professional golf hall of fame facility program, the Regional Rural Development Grants Program, the Florida Enterprise Zone Act, and the Florida State Rural Development Council; eliminating authority for the Office of Tourism, Trade, and Economic Development to enter into contracts in connection with duties relating to the Florida First Business Bond Pool, the Enterprise Zone Program, and foreign offices; conforming terminology; requiring a report on activities funded under the Economic Development Incentives Account and the Economic Development Transportation Trust Fund; providing for Front Porch Florida requirements; directing the Office of Urban Opportunity to give priority to projects receiving certain federal grants; amending s. 163.2523, F.S.; providing allocation criteria for the Urban Infill and Redevelopment Grant Program; amending s. 420.5087, F.S.; providing allocation criteria for the State Apartment Incentive Loan Program; amending s. 420.5089, F.S.; providing allocation criteria for the HOME Investment Partnership Program; amending s. 420.5093, F.S.; giving priority to certain projects in the State Housing Tax Credit Program; amending s. 420.5099, F.S.; giving priority to certain projects in the allocation of low-income housing tax credits; amending s. 159.705, F.S.; specifying that projects located in research and development parks may be operated by specified organizations; amending s. 159.8083, F.S.; providing for Enterprise Florida, Inc., to recommend Florida First Business projects to the Office of Tourism, Trade, and Economic Development; providing for consultation; amending s. 163.3164, F.S.; exempting certain activities from the term "development" for the purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; specifying that a sales tax exemption for certain repair and labor charges applies to industrial machinery and equipment used in the production and shipping of tangible personal property; applying the exemption to SIC Industry Major Group Number 35; specifying that the sales tax exemption for industries in such group number is remedial in nature and applies retroactively; amending ss. 212.097, 212.098, F.S.; expanding the definition of the term "eligible business" under the Urban High–Crime Area Job Tax Credit Program and Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending s. 218.075, F.S.; expanding conditions under which the Department of Environmental Protection and water management districts shall reduce or waive certain fees for counties or municipalities; conforming to the definition of the term "rural community" used elsewhere in the Florida Statutes; amending s. 288.012, F.S.; revising the authority of the Office of Tourism, Trade, and Economic Development to establish foreign offices; providing for the office to approve the establishment and operation of such offices by Enterprise Florida, Inc., and the Florida Commission on Tourism; providing for foreign offices to submit updated operating plans and activity reports; amending s. 288.018, F.S.; providing for Enterprise Florida, Inc., to administer the Regional Rural Development Grants Program and make recommendations for approval by the Office of Tourism, Trade, and Economic Development; creating s. 288.064, F.S.; expressing the intent of the Legislature to provide for efficient and effective delivery of assistance to rural communities; amending s. 288.0655, F.S.; revising deadlines relating to implementation of the Rural Infrastructure Fund; amending s. 288.0656, F.S.; revising criteria for the Rural Economic Development Initiative; requiring certain communities to apply for rural designation; amending s. 288.1088, F.S.; revising criteria and procedures related to the award of funds to certain target industries from the Quick Action Closing Fund; amending s. 288.1162, F.S.; providing for a specified direct-support organization to administer the professional sports franchises and spring training franchises facilities programs; providing for final approval of decisions under such programs by the Office of Tourism, Trade, and Economic Development; amending s. 288.1168, F.S.; deleting obsolete provisions relating to certification of the professional golf hall of fame; providing for a specified direct-support organization to administer that program; amending s. 288.1169, F.S.; providing for a specified direct-support organization to administer the certification program for the International Game Fish Association World Center facility; providing for annual verification of attendance and sales tax revenue projections; transferring, renumbering, and amending s. 288.1185, F.S.; assigning administrative responsibility for the Recycling Markets Advisory Committee to the Department of Environmental Protection; amending s. 288.1223, F.S.; authorizing the Governor to designate a person to serve on the Florida Commission on Tourism and as the chair of the commission; amending s. 288.1226, F.S.; providing for the appointment of the president of the Florida Tourism Industry Marketing Corporation and specifying that the president serves at the pleasure of the Governor; limiting certain employee salaries unless such employees are covered by a performance contract; amending s. 288.1229, F.S.; requiring an annual report on the status of specified sports projects; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner the Governor's Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council the Florida Film and Entertainment Advisory Council; amending s. 288.1253, F.S., relating to travel and entertainment expenses; conforming terminology; amending s. 288.7011, F.S.; revising conditions under which certain assistance and support for a statewide certified development corporation shall cease; amending s. 288.901, F.S.; correcting a cross-reference; providing that the Governor's designee may serve as chairperson of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to use specified programs to facilitate economic development; amending s. 288.980, F.S.; providing for Enterprise Florida, Inc., to administer defense grant programs and make recommendations to the Office of Tourism, Trade, and Economic Development on approval of grant awards; providing that certain defense-related grants may be awarded only from specifically appropriated funds; amending s. 288.99, F.S.; assigning certain responsibility for ongoing administration of the Certified Capital Company Act to the Department of Banking and Finance; authorizing additional applications for certification as a certified capital company; amending s. 290.004, F.S.; repealing certain definitions under the enterprise zone program; defining the term "rural enterprise zone"; amending s. 290.0056, F.S.; providing for a reporting requirement for enterprise zone development agencies to Enterprise Florida, Inc.; amending s. 290.0058, F.S.; conforming to administration of the enterprise zone program by Enterprise Florida, Inc.; amending s. 290.0065, F.S.; providing for Enterprise Florida, Inc., to administer the enterprise zone program and make recommendations to the Office of Tourism, Trade, and Economic Development; conforming references; amending s. 290.0066, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding revocations of enterprise zone designations; amending s. 290.00675, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding amendment of enterprise zone boundaries; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; modifying the employee residency requirements for maximum exemptions or credits with respect to the sales tax credits for enterprise zone job creation, for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical

energy used in an enterprise zone, and the corporate income tax enterprise zone job creation and property tax credits if the business is located in a rural enterprise zone; providing application time limitations; providing an extended application period for certain businesses to claim tax incentives; amending s. 290.00689, F.S.; conforming a cross-reference; revising the eligibility criteria for certain tax credits to include a review and recommendation by Enterprise Florida, Inc.; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.009, F.S.; specifying that Enterprise Florida, Inc., shall serve as staff to the Enterprise Zone Interagency Coordinating Council; amending s. 290.014, F.S.; conforming cross-references; amending s. 290.046, F.S.; eliminating a limitation on the number of economic development grants that an eligible local government may receive under the Florida Small Cities Community Development Block Grant Program; specifying that cumulative grant awards may not exceed certain ceilings; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees relating to the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 373.4149, F.S.; removing the director of the Office of Tourism, Trade, and Economic Development from the membership of the Miami-Dade County Lake Belt Plan Implementation Committee; authorizing the Institute of Food and Agricultural Sciences to contract and receive money to support the Florida State Rural Development Council; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop a policy authorizing placement of certain workforce–training clients in self–employment as a means of job placement; directing the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to establish a unit responsible for forecasting and responding to certain economic development events; creating an Economic Development Leadership Council to provide leadership related to such events; requiring a report and recommendations; providing legislative intent; providing for creation and purpose of the Toolkit for Economic Development; defining the term "economically distressed"; requiring the appointment of liaisons from agencies and organizations; providing for requirements and duties; creating coordinating partners to serve as the program's executive committee; providing for duties and powers; providing for waivers of state–required matching–funds requirements; requiring an inventory of programs that help economically distressed communities; requiring that the inventory be categorized; creating the Start-Up Initiative to promote the use of the inventory; providing for identification of communities; providing for solicitation of proposals; providing for proposal content; providing for review process and evaluation criteria; providing for funding; providing for the designation of communities of critical economic opportunity; providing an appropriation to the coordinating partners; providing for use of funds and certification; providing for reporting; providing for expiration; creating s. 288.1260, F.S.; creating the Front Porch Florida initiative; providing legislative intent; providing for purposes and principles of the program; creating liaisons to Front Porch Florida communities; providing for liaison requirements and duties; providing for use of the inventory of federal and state resources; providing for application requirements; providing for the formation of a Governor's Revitalization Council; providing for duties; providing for monitoring and reporting; creating s. 239.521, F.S.; providing intent; providing for development of a 2-year vocational and technical distance-learning curriculum for information-technology workers; providing for internship opportunities for high school and postsecondary information-technology vocational faculty and students in information-technology businesses; providing a means for increasing the capability and accessibility of information-technology-training providers through state-of-the-art facilities; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to identify training programs for broadband digital media specialists; requiring that such programs be added to lists for demand occupations under certain circumstances; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media Education Coordination Group; providing membership; providing purposes; requiring development of a plan; requiring submission of plans to the Legislature; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; requiring the Workforce Development Board to develop a plan for the use of certain funds to enhance workforce of digital media related industries; providing direction on plan development; providing a contingent appropriation to the Digital Media Education Infrastructure Fund; providing requirements for contracting and use of funds; requiring Enterprise Florida, Inc., to convene a broadband digital media industries group; requiring identification, designation, and priority of digital media sector in sector strategy; requiring Enterprise Florida, Inc., to contract for establishment of digital media incubator; providing contract requirements; providing an appropriation; requiring industry participation in funding; providing direction for incubator location; requiring ITFlorida, in cooperation with Enterprise Florida, Inc., to prepare a marketing plan promoting the state to digital media industries; providing that certain provisions relating to digital media are subject to legislative appropriation; amending s. 331.367, F.S.; revising provisions with respect to the Spaceport Management Council; directing the council to submit recommendations; providing for the participation of federal officials; amending s. 331.368, F.S.; expanding the purpose of the Florida Space Research Institute; revising the membership of the institute; prescribing additional duties of the institute; creating the Space Industry Workforce Initiative; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop initiatives to address the workforce needs of the industry; prescribing criteria; requiring the board to convene industry representatives; requiring a report; creating s. 331.3685, F.S.; creating the Florida Space-Industry Research-Development Program to finance space–related research projects and programs; providing for certain sales-tax collections to be retained by the Kennedy Space Center Visitor Complex and distributed to the Florida Space Research Institute; prescribing uses of such funds; requiring an annual accounting of such funds; providing for review of funding proposals by the Office of Tourism, Trade, and Economic Development; requiring a contract with the office governing distribution of funds under the program; amending s. 212.08, F.S.; providing for sales-tax collections from the Kennedy Space Center Visitor Complex to be retained by the complex and distributed to the Florida Space Research Institute; providing for reporting of sales to the Department of Revenue as prescribed by rules; amending s. 556.108, F.S.; providing for performing the demolition or excavation of single-family residential property; creating the Commission on Basic Research for the Future of Florida; prescribing membership of the commission; providing a purpose for the commission; requiring the use of state resources; providing for staffing, administration, and information sharing; requiring a report; repealing s. 288.039, F.S., relating to the Employing and Training our Youths (ENTRY) program; repealing s. 288.095(3)(c), F.S., relating to a required report on activities under the Economic Development Incentives Account of the Economic Development Trust Fund; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

Amendment 1 (200630)(with title amendment)—On page 27, line 8 through page 32, line 25, delete those lines and insert:

Section 10. Paragraph (j) of subsection (5) and paragraph (eee) of subsection (7) of section 212.08, Florida Statutes, are amended and paragraphs (n) and (o) are added to subsection (5) of that section to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in *semiconductor* ~~silicon~~ technology production and research and development.—

1. Industrial machinery and equipment purchased for use in *semiconductor* ~~silicon~~ technology facilities certified under subparagraph *6.* ~~5.~~ to manufacture, process, compound, or produce *semiconductor* ~~silicon~~ technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in *semiconductor* ~~silicon~~ wafer research and development activities in a *semiconductor* ~~silicon~~ technology research and development facility certified under subparagraph *6.* ~~5.~~

3. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

4.~~3.~~ In addition to meeting the criteria mandated by subparagraph 1., ~~or~~ subparagraph 2., *or subparagraph 3.*, a business must be certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph in order to qualify for exemption under this paragraph.

5.~~4.~~ For items purchased tax exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to exemption pursuant to this paragraph, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of tax if it determines that the purchaser was not entitled to the exemption.

6.~~5.~~a. To be eligible to receive the exemption provided by subparagraph 1., ~~or~~ subparagraph 2., *or subparagraph 3.*, a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete, Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

7.~~6.~~a. A business ~~certified to receive this exemption~~ may apply once each year for the exemption.

~~b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.~~

b.~~c. To apply for the annual exemption, the business shall submit a claim to the Office of Tourism, Trade, and Economic Development, which claim indicates and documents the sales and use taxes otherwise payable on eligible machinery and equipment.~~ The *application* ~~claim~~ must ~~also~~ indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, ~~and~~ the total investment made in real and tangible personal property over the preceding calendar year, *and the total value of tax-exempt purchases and taxes exempted during the previous year* ~~or, for the first claim submitted, since the date of certification~~. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for exemption.

c.~~d.~~ The Office of Tourism, Trade, and Economic Development may use the information reported on the *application* ~~claims~~ for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

8.~~7.~~ A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption for which they may qualify. To receive these funds, the institution must agree to match the funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

9.~~8.~~ As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "*Semiconductor* ~~Silicon~~ technology products" means raw *semiconductor* ~~silicon~~ wafers *or semiconductor thin films* that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; *semiconductor lasers; optoelectronic elements;* and related *semiconductor* ~~silicon~~ technology products as determined by the Office of Tourism, Trade, and Economic Development.

d. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

(n) Materials for construction of single-family homes in certain areas.—

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a qualified home.

b. "Qualified home" means a single-family home having an appraised value of no more than $160,000 which is located in an enterprise zone, empowerment zone, or Front Porch Florida Community and which is constructed and occupied by the owner thereof for residential purposes.

c. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a qualified home and the costs of labor associated with the construction of a qualified home are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the home for which a refund is sought.

c. A copy of the building permit issued for the home.

d. A certification by the local building inspector that the home is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the home, which statement lists the building materials used in the construction of the home and the actual cost thereof, the labor costs associated with such construction, and the amount of sales tax paid on these materials and labor costs. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

f. A sworn statement, under penalty of perjury, from the owner affirming that he or she is occupying the home for residential purposes.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the home is deemed

to be substantially completed by the local building inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

(o) Building materials in redevelopment projects.—

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. "Housing project" means the conversion of an existing manufacturing or industrial building to housing units in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons.

c. "Mixed-use project" means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists' studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

(7) MISCELLANEOUS EXEMPTIONS.—

(eee) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment *that* ~~which~~ is used for the manufacture, processing, compounding, ~~or~~ production*, or production and shipping* of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, *35,* 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 11. *The amendment to section 212.08(7)(eee)2., Florida Statutes, made by this act is remedial in nature and shall have the force and effect as if SIC Code 35 had been included from July 1, 1999.*

Section 12. *The agencies involved with the Urban Infill Implementation Project Grants Program under section 163.2523, Florida Statutes, the State Apartment Incentive Loan Program under section 420.5087, Florida Statutes, the HOME Investment Partnership Program under section 420.5089, Florida Statutes, and the State Housing Tax Credit Program under section 420.5093, Florida Statutes, shall give priority consideration to projects that would convert vacant industrial and manufacturing facilities to affordable housing units within urban high-crime areas, enterprise zones, empowerment zones, Front Porch Communities, designated brownfield areas, or urban infill areas.*

Section 13. *The Department of Community Affairs, in conjunction with the Office of Tourism, Trade, and Economic Development, the Office of Urban Opportunities, and Enterprise Florida, Inc., shall recommend new economic incentives or revisions to existing economic incentives in order to promote the reuse of vacant industrial and manufacturing facilities for affordable housing and mixed-use development. The report must also identify any state regulatory or programmatic barriers to the reuse of such facilities. The department shall submit a report to the President of the Senate and the Speaker of the House of Representatives containing its recommendations by January 31, 2001. Based upon consultation with the Department of Environmental Protection, the department shall include, as a component of the report, any recommended modifications to the Brownfields Redevelopment Act, sections 376.77-376.85, Florida Statutes, for revising liability protection or economic incentives under the act to promote reuse of such facilities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 5, after the semicolon (;) insert: providing an exemption from the tax on sales, use, and other transactions for building

materials used in the construction of certain single-family homes located in an enterprise zone, empowerment zone, or Front Porch Florida Community; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of specified redevelopment projects; providing requirements for refund applications; providing for rules; directing the agencies involved with specified housing programs to give priority consideration to specified projects in urban-core neighborhoods; directing the Department of Community Affairs to propose modifications to the Brownfields Redevelopment Act for consideration by the Legislature;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2 (332228)(with title amendment)—On page 40, line 7 through page 42, line 28, delete those lines and insert:

~~(a)~~ *approve the establishment and operation by Enterprise Florida, Inc., of* ~~Establish and operate~~ offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) *Enterprise Florida, Inc., as an agent for the Office of Tourism, Trade, and Economic Development, may* enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425~~, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311~~.

~~(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.~~

(2) ~~By June 30, 1998,~~ Each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and *submitted annually thereafter to Enterprise Florida, Inc., for review and approval. The plans* shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through *Enterprise Florida, Inc* ~~the Florida Trade Data Center~~. Each foreign office shall obtain and forward trade leads and inquiries to *Enterprise Florida, Inc.,* ~~the center~~ on a regular basis ~~as called for in the plan pursuant to paragraph (1)(c)~~.

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide *Enterprise Florida, Inc.,* ~~the Florida Trade Data Center~~ with a compilation of foreign buyers and importers in industry sector priority areas *annually* ~~on an annual basis~~. *Enterprise Florida, Inc.,* ~~In return, the Florida Trade Data Center~~ shall make available to each foreign office, and to the *Florida Commission on Tourism, The Florida Seaport Transportation and Economic Development Council, the Department of State, the Department of Citrus, and the Department of Agriculture* ~~entities identified in paragraph (1)(c)~~, trade industry, commodity, and opportunity information ~~as specified in the plan required in that paragraph~~. This information shall be provided to *such* ~~the~~ offices and ~~the~~ entities ~~identified in paragraph (1)(c)~~ either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to ~~the services of the Florida Trade Data Center,~~ international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan *developed by the Office of Tourism, Trade, and Economic Development for the disposition of the foreign offices* ~~pursuant to paragraph (1)(c)~~.

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each foreign office shall submit to *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and~~

And the title is amended as follows:

On page 3, lines 23 and 24, delete those lines and insert: by Enterprise Florida, Inc.; providing for foreign

Senator Hargrett moved the following amendment which was adopted:

Amendment 3 (632008)(with title amendment)—On page 19, line 7 through page 24, line 24, delete those lines

And the title is amended as follows:

On page 1, line 21 through page 2, line 4, delete those lines and insert: amending s.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 4 (491158)(with title amendment)—On page 69, line 4 through page 70, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 5, lines 4-14, delete those lines and insert: Environmental Protection; amending s.

Senator King moved the following amendment which was adopted:

Amendment 5 (762208)—On page 95, line 25, after the period (.) insert: *A certified capital company certified after July 1, 2000, and any certified investor therein may not earn any premium tax credits allocated by the office before its date of certification.*

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 6 (914634)(with title amendment)—On page 146, between lines 3 and 4, insert:

Section 68. Subsections (3) and (6) of section 311.07, Florida Statutes, are amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop *trade market and shipping* ~~with the Florida Trade Data Center such trade data~~ information products which will assist Florida's seaports and international trade.

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) *and seaport freight mobility plans as provided in s. 311.14.*

10. Construction or rehabilitation of port facilities as defined in s. 315.02 in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section *and s. 320.20* to a final audit. The department *shall* ~~may~~ adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 12, line 13, insert: amending s. 311.07, F.S.; authorizing the Seaport Transportation and Economic Development Council to use certain funds to develop trade market and shipping information products; expanding grant funding eligibility to include certain projects identified in seaport freight mobility plans, and construction or rehabilitation of certain port facilities; requiring rules and a final audit;

Amendment 7 (603158)(with title amendment)—On page 146, line 4 through page 150, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 12, lines 14-18, delete those lines and insert: amending s.

Amendment 8 (601330)—On page 152, lines 11-18, delete those lines and insert: *Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.*

Amendment 9 (120516)—On page 158, lines 21-24, delete those lines and redesignate subsequent subsections.

Senator Hargrett moved the following amendments which were adopted:

Amendment 10 (734478)(with title amendment)—On page 159, between lines 5 and 6, insert:

Section 75. *Florida-Africa Market Expansion Program.—*

(1) Contingent upon a specific appropriation, there is created within Enterprise Florida, Inc., the Florida–Africa Market Expansion Program to enhance the Florida economy by increasing international trade between Florida and the nations of Africa. This initiative shall be a multilevel market expansion program designed to expand trade and business opportunities between Florida and Africa, containing, but not limited to, the following components:

(a) The establishment and maintenance of a strategic alliance between Enterprise Florida, Inc., and the United States Agency for International Development which will focus on identifying and qualifying business opportunities in sub–Saharan Africa through the United States Agency for International Development's 12 African offices, and matching those leads with Florida companies.

(b) A team Florida mission, which the Governor of Florida will be invited to lead, to South Africa in the winter of fiscal year 2000-2001.

(c) The establishment of a certified trade events program to provide financial and technical support for business development initiatives targeting Africa, organized by qualified economic development organizations in Florida. Priority shall be given to qualified not-for-profit minority organizations.

(d) Support for local business-development programs that provide business information on Africa and promote bilateral business opportunities.

(e) Provision of export counseling services for Florida businesses through Enterprise Florida's seven state field offices and staff located in Miami.

(f) Establishment of Florida international representation in South Africa for the purpose of dramatically expanding business and cultural and infrastructure ties between Florida and Africa, as well as promoting Florida's advantages in Africa.

(2) Enterprise Florida, Inc., shall coordinate with appropriate organizations and educational institutions in executing this market-expansion program to maximize the resources and information services for the expansion of trade between Florida and the nations of Africa.

(3)(a) As part of the annual report required under section 288.906, Florida Statutes, Enterprise Florida, Inc., shall provide detailed information concerning activities and accomplishments under this program, including, but not limited to, information concerning:

1. The number of businesses, categorized by size, participating in the program;

2. The number of minority–owned businesses participating in the program;

3. The increase in the value of Florida exports to African nations attributable to the program; and

4. The increase in foreign direct investment in Florida by African businesses attributable to the program.

(b) The report shall include recommendations concerning continuation of the program and any changes for enhancing the program.

Section 76. *Florida–Caribbean Basin Trade Initiative.—*

(1) Contingent upon a specific appropriation, the Seaport Employment Training Grant Program (STEP) shall establish and administer

the Florida–Caribbean Basin Trade Initiative for the purpose of assisting small and medium–sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain the financing to effectuate trade opportunities in the Caribbean Basin. The initiative must focus assistance to businesses located in urban communities. The initiative shall offer export readiness, assistance and referral services, internships, seminars, workshops, conferences, and e-commerce plus mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by Enterprise Florida, Inc.

(2) To enhance initiative effectiveness and leverage resources, STEP shall coordinate initiative activities with Enterprise Florida, Inc., United States Export Assistance Centers, Florida Export Finance Corporation, Florida Trade Data Center, Small Business Development Centers, and any other organizations STEP deems appropriate. The coordination may encompass export assistance and referral services, export financing, job-training programs, educational programs, market research and development, market promotion, trade missions, e–commerce, and mentoring and matchmaking services relative to the expansion of trade between Florida and the Caribbean Basin. The initiative shall also form alliances with multilateral, international, and domestic funding programs from Florida, the United States, and the Caribbean Basin to coordinate systems and programs for fundamental assistance in facilitating trade and investment.

(3) STEP shall administer the Florida–Caribbean Basin Trade Initiative pursuant to a performance–based contract with the Office of Tourism, Trade, and Economic Development. The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for the initiative. Performance measures must include, but are not limited to, the number of businesses assisted; the number of urban businesses assisted; and the increase in value of exports to the Caribbean which is attributable to the initiative.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 13, line 26, after the semicolon (;) insert: providing for the establishment of the Florida–Africa Market Expansion Program by Enterprise Florida, Inc., contingent upon a specific appropriation; providing the purpose of the program; describing program components; providing responsibilities for Enterprise Florida, Inc.; providing for the establishment of the Florida–Caribbean Basin Trade Initiative by the Seaport Employment Training Grant Program contingent upon a specific appropriation; providing purpose of the initiative; providing responsibilities of the Seaport Employment Training Grant Program; providing for a performance–based contract with the Office of Tourism, Trade, and Economic Development;

Amendment 11 (735816)(with title amendment)—On page 159, between lines 5 and 6, insert:

Section 75. *(1) State agencies shall give priority to applicants for assistance in state housing, economic development, and community revitalization programs where that application supports the objectives of redeveloping HOPE VI grant neighborhoods. The following programs shall provide priority consideration to HOPE VI applications; SAIL, State Housing Tax Credit, Federal Low Income Housing Tax Credit, HOME program, Urban Infill Program, Urban High Crime Tax Credits, brownfields, state empowerment zone.*

(2) To qualify for priority consideration in the above mentioned programs, a HOPE VI project applicant must document the following actions in the application for assistance.

(a) There is an active and open grant award from the United States Department of Housing and Urban Development under the HOPE VI program in the community.

(b) There is tangible and documented support committed by the unit of local government to redeveloping the neighborhoods surrounding the HOPE VI project.

(c) There is a written agreement between the public housing authority and the unit of local government that outlines the joint agreement to redevelop the entire HOPE VI neighborhoods and not to focus solely upon the public housing site.

(d) There is a clearly defined plan with goals and objectives to promote the redevelopment of the HOPE VI neighborhoods to be a mixed income neighborhood, and to deconcentrate the location of publicly assisted housing within the neighborhood, promote home ownership, and involve the residents of the neighborhood in the redevelopment planning and improvement process.

(3) The Department of Community Affairs shall annually submit to the Legislature a summary of all assistance provided to local HOPE VI applicants, and the percentage of HOPE VI projects to all program awards.

Section 76. *Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership.—*

(1) CREATION.—There is created the Community and Faith-based Organizations Initiative which shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University and the Community and Library Technology Access Partnership which shall be administered by the Division of Library and Information Services of the Department of State.

(2) INTENT.—The purpose of the initiative is to promote community development in low-income communities through partnerships with not-for-profit community and faith-based organizations. The purpose of the partnership is to encourage public libraries eligible for e-rate discounted telecommunications services to partner with community and faith-based organizations to provide technology access and training to assist other state efforts to close the digital divide.

(3) AUTHORIZED ACTIVITIES.—

(a) Authorized activities of the initiative.—The Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University may conduct the following activities as part of the Community and Faith-based Organizations Initiative:

1. Create and operate training programs to enhance the professional skills of individuals in community and faith-based organizations.

2. Create and operate a program to select and place students and recent graduates from business and related professional schools as interns with community and faith-based organizations for a period not to exceed 1 year, and provide stipends for such interns.

3. Organize an annual conference for community and faith-based organizations to discuss and share information on best practices regarding issues relevant to the creation, operation, and sustainability of these organizations.

4. Provide funding for the development of materials for courses on topics in the area of community development, and for research on economic, operational, and policy issues relating to community development.

5. Provide financial assistance to community and faith-based organizations through small grants for partnerships with universities and the operation of programs to build strong communities and future community development leaders. The Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University shall develop selection criteria for awarding such grants which are based on the goals of the initiative.

The institute, to the maximum extent possible, shall leverage state funding for the initiative with any federal funding that the institute may receive to support similar community–based activities.

(b) Authorized activities of the partnership.—The Division of Library and Information Services of the Department of State may conduct the following activities as part of the Community and Library Technology Access Partnership:

1. Provide funding for e-rate eligible public libraries to provide technology access and training to community and faith-based organizations. Funding provided under this subparagraph must be for eligible public libraries in distressed communities in the state. The division shall consult with the Institute on Urban Policy and Commerce to identify such communities and to develop criteria to be used in evaluating funding proposals. The division shall coordinate with the institute to ensure that, to the maximum extent possible, the division and the institute leverage

their resources under the programs authorized by this section in order to focus efforts on addressing the most distressed communities in the state. The division shall include a representative of the institute on a review team to evaluate funding proposals under this subparagraph.

2. Provide a method of assessment and outcome measurement for e-rate eligible public libraries to assess progress in closing the digital divide and in training for individuals to succeed in the emerging information economy.

(4) ELIGIBILITY.—A community or faith–based organization receiving funding or other assistance under the Community and Faith–based Organizations Initiative or the Community Library Technology Access Partnership must be a nonprofit organization holding a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code. Funding under this section shall not be used for religious or sectarian purposes.

(5) REVIEW AND EVALUATION.—

(a) By January 1, 2001, the Institute on Urban Policy and Commerce and the Division of Library and Information Services shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives brief status reports on their respective implementation of the activities authorized under this section. The institute and the division may elect to collaborate on the submission of a combined status report covering both programs. At a minimum, the status reports or combined report shall address:

1. The activities and accomplishments to date;

2. Any impediments to the effective implementation or utilization of each program; and

3. The initial progress toward achievement of measurable program outcomes.

(b) By January 1, 2002, the Institute on Urban Policy and Commerce and the Division of Library and Information Services shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives final reports on the activities authorized under this section. The institute and the division may elect to collaborate on the submission of a combined final report covering both programs. In addition to updating the elements addressed under paragraph (a), the reports or combined report shall include recommendations on whether it would be sound public policy to continue the programs and recommendations on any changes designed to enhance the effectiveness of the programs.

Section 77. *Community computer access grant program.—*

(1) The Legislature finds that there is a growing digital divide in the state, manifested in the fact that many youths from distressed urban communities do not possess the degree and ease of access to computers and information technologies which youths in other communities in the state possess. This disparity in access to rapidly changing and commercially significant technologies has a negative impact on the educational, workforce development, and employment competitiveness of these needy youths, and thereby impedes the economic development of the distressed urban communities in which these youths reside. Although many public libraries offer users access to computers and are increasingly making library materials available to the public through electronic means, many youths from distressed urban communities do not live near a library that has such technology and do not have computers to access Internet-based virtual libraries. Neighborhood organizations, such as churches, are more likely, however, to be located in closer proximity to the homes of these youths than are educational institutions or libraries, and these youths are more likely to gain the desirable computer access at church-related or other neighborhood facilities than at other institutions. The Legislature therefore finds that a public purpose is served in enhancing the ability of youths from these communities to have access to computers and the Internet within the neighborhoods in which they reside.

(2) Subject to legislative appropriation, there is created the Community High-Technology Investment Partnership (CHIP) program to assist distressed urban communities in securing computers for access by youths between the ages of 5 years and 18 years who reside in these communities. The program shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University pursuant to a performance–based contract with the Division of Library and Information Services of the Department of State. The division shall develop performance measures, standards, and sanctions for the program. Performance measures must include, but are not limited to: the number of youth obtaining access to computers purchased under this program; the number of hours computers are made available to youth; and the number of hours spent by youth on computers purchased under this program for educational purposes. The administrative costs for administration of this program cannot exceed 10 percent of the amount appropriated to the division for the program.

(3)(a) Under this program, neighborhood facilities, through their governing bodies, may apply to the institute for grants to purchase computers that will be available for use by eligible youths who reside in the immediate vicinity of the neighborhood facility. For purposes of this program, eligible neighborhood facilities include, but are not limited to, facilities operated by:

1. Units of local government, including school districts;

2. Nonprofit, faith-based organizations, including neighborhood churches;

3. Nonprofit civic associations or homeowners' associations; and

4. Nonprofit organizations, the missions of which include improving conditions for residents of distressed urban communities.

To be eligible for funding under this program, a nonprofit organization or association must hold a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code.

(b) Notwithstanding the eligibility of the organizations identified in paragraph (a), the institute shall give priority consideration for funding under this program to applications submitted by neighborhood churches or by neighborhood-based, nonprofit organizations that have as a principal part of their missions the improvement of conditions for residents of the same neighborhoods in which the organizations are located. The institute also shall give priority consideration to organizations that demonstrate that they have not been awarded community enhancement or similar community support grants from state or local government on a regular basis in the past. The institute shall develop weighted criteria to be used in evaluating applications from such churches or organizations. Funding under this section shall not be used for religious or sectarian purposes.

(4) The institute shall develop guidelines governing the administration of this program and shall establish criteria to be used in evaluating an application for funding. At a minimum, the institute must find that:

(a) The neighborhood that is to be served by the grant suffers from general economic distress;

(b) Eligible youths who reside in the vicinity of the neighborhood facility have difficulty obtaining access to a library or schools that have sufficient computers; and

(c) The neighborhood facility has developed a detailed plan, as required under subsection (5), for:

1. Providing youths who reside in the vicinity of the facility with access to any computer purchased with grant funds, including evening and weekend access when libraries and schools are closed; and

2. Promoting the maximum participation of neighborhood youths in use of any computers purchased with grant funds.

(5) As part of an application for funding, the neighborhood facility must submit a plan that demonstrates:

(a) The manner in which eligible youths who reside in the immediate vicinity of the facility will be provided with access to any computer purchased with grant funds, including access during hours when libraries and schools are closed;

(b) The existence of safeguards to ensure that any computer purchased with grant funds is reserved for the educational use of eligible youths who reside in the immediate vicinity of the facility and is not used to support the business operations of the neighborhood facility or its governing body; and

(c) The existence, in the neighborhood facility, of telecommunications infrastructure necessary to guarantee access to the Internet through any computer purchased with grant funds.

(6) To the maximum extent possible, funding shall be awarded under this program in a manner designed to ensure the participation of distressed urban communities from regions throughout the state.

(7) The maximum amount of a grant which may be awarded to any single neighborhood facility under this program is $25,000.

(8) Before the institute may allocate funds for a grant under this program, the institute and the eligible neighborhood facility must execute a grant agreement that governs the terms and conditions of the grant.

(9) The institute, based upon guidance from the State Technology Office and the state's Chief Information Officer, shall establish minimum requirements governing the specifications and capabilities of any computers purchased with funds awarded under this grant program.

(10) Before the 2002 Regular Session of the Legislature, the institute shall evaluate the outcomes of this program and report the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the evaluation must assess the extent to which the program has improved access to computers for youths who reside in distressed urban communities. As part of this report, the institute shall identify any impediments to the effective implementation and utilization of the program and shall make recommendations on methods to eliminate any such impediments. In addition, the institute shall make recommendations as to whether it would be sound public policy to continue the program; whether the program should be expanded to address additional target populations, including, but not limited to, youths in distressed rural communities and adults in distressed urban or rural communities; and whether the list of neighborhood facilities eligible to participate in the program should be revised or whether priority consideration for funding should be revised to emphasize a particular type of neighborhood facility. The report required under this subsection must be submitted by January 1, 2002.

(11) The institute may subcontract with the Information Service Technology Development Task Force for assistance in carrying out the provisions of this section, including, but not limited to, technical guidance, assistance in developing and evaluating program outcomes, and preparation or distribution of materials designed to educate the public about community access centers and other relevant resources.

Section 78. *There is created an Inner City Redevelopment Assistance Grants Program to be administered by the Office of Tourism, Trade, and Economic Development. The office shall develop criteria for awarding these grants which give weighted consideration to urban high-crime areas as identified by the Florida Department of Law Enforcement. These criteria shall also be weighted to immediate creation of jobs for residents in the targeted areas.*

Section 79. *Eligibility requirements for grant proposals are as follows:*

(1) An eligible grant recipient must serve within one of the 13 urban high-crime job tax credit areas and be:

(a) A community-based organization;

(b) A community development corporation;

(c) A faith-based organization;

(d) A nonprofit community development organization;

(e) A nonprofit economic development organization; or

(f) Another nonprofit organization serving the nominated area.

(2) Each applicant must submit a letter of support from the local government serving the targeted urban area.

(3) Each applicant must submit a proposal response outlining the work plan proposed using the grant funding, as well as proposed performance measures and expected, measurable outcomes.

(4) Eligible uses of grant funding must result in the creation of job opportunities for residents of targeted areas.

(5) Applicants are urged to leverage grant funds with other existing resources.

Section 80. *In order to enhance public participation and involvement in the redevelopment of inner city areas, there is created within the Office of Tourism, Trade, and Economic Development the Inner City Redevelopment Review Panel.*

(1) The review panel shall consist of seven members who represent different areas of the state, who are appointed by the Director of the Office of Tourism, Trade, and Economic Development, and who are qualified, through the demonstration of special interest, experience, or education, in the redevelopment of the state's inner-city areas, as follows:

(a) One member must be affiliated with the Black Business Investment Board;

(b) One member must be affiliated with the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University;

(c) One member must be affiliated with the Office of Tourism, Trade, and Economic Development;

(d) One member must be the president of Enterprise Florida, Inc., or the president's designee;

(e) One member must be the Secretary of Community Affairs or the secretary's designee;

(f) One member must be affiliated with Better Jobs/Better Wages of Workforce Florida, Inc., if such body is created. Otherwise, one member must be the president and chief operating officer of the Florida Workforce Development Board; and

(g) One member must be affiliated with the First Job/First Wages Council of Workforce Florida, Inc., if such body is created. Otherwise, one member must be the Secretary of Labor and Employment Security or the secretary's designee.

(2) The importance of minority and gender representation must be considered when making appointments to the panel, and the geographic representation of panel members must also be considered.

(3) Members of the review panel shall be appointed for 4-year terms. A person may not serve more than two consecutive terms on the panel.

(4) Members shall elect a chairperson annually. A member may not be elected to consecutive terms as chairperson.

(5) All action taken by the review panel shall be by majority vote of those present. The Director of the Office of Tourism, Trade, and Economic Development or the director's designee shall serve without voting rights as secretary to the panel. The Office of Tourism, Trade, and Economic Development shall provide necessary staff assistance to the panel.

(6) It is the responsibility of the panel to evaluate proposals for awards of inner city redevelopment grants administered by the Office of Tourism, Trade, and Economic Development. The panel shall review and evaluate all proposals for grants and shall make recommendations, including a priority ranking, reflecting such evaluation.

Section 81. *Each provision of section 76–80 of this act will be implemented to the extent that funds are specifically appropriated in the General Appropriations Act for Fiscal Year 2000-2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 13, line 26, after the semicolon (;) insert: requiring that applicants for assistance in state housing, economic development, and community revitalization programs who support the objectives of redeveloping HOPE VI grant neighborhoods be given priority; providing application requirements; requiring the Department of Community Affairs to submit to the Legislature an annual summary of certain HOPE VI assistance provided; creating the Community and Faith-based Organizations initiative within the Institute on Urban Policy and Commerce

at Florida Agricultural and Mechanical University; providing for the initiative to promote community development through partnerships with community and faith-based organizations; specifying the activities to be conducted by the initiative; providing for financial assistance to community and faith-based organizations; requiring the development of grant-selection criteria; requiring leveraging of funds; creating the Community and Library Technology Access Partnership; specifying the activities to be conducted by the partnership; requiring the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to administer the initiative and the Division of Library and Information Services of the Department of State to administer the Community and Library Technology Access Partnership; authorizing certain activities and uses of funds; prescribing eligibility of organizations for funding or assistance; requiring review and evaluation; providing appropriations; creating a community computer-access grant program, to be known as the Community High-Technology Investment Partnership, or "CHIP," program; providing for program administration pursuant to a performance–based contract; providing for performance measures; providing for grants to be awarded to eligible neighborhood facilities; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the institute and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the institute to subcontract for specified assistance services; creating an inner city redevelopment assistance grants program; providing duties of the Office of Tourism, Trade, and Economic Development; prescribing eligibility requirements for grants; providing expected outcomes from grants; creating the Inner City Redevelopment Review Panel and providing its membership and duties;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 12 (564490)(with title amendment)—On page 159, delete line 9 and insert:

Section 76. *Section 20.171, Florida Statutes, is repealed effective January 1, 2001.*

Section 77. *(1) Effective July 1, 2000, the Division of Workers' Compensation and the Office of the Judges of Compensation Claims are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance.*

(2) Effective July 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workforce and Employment Opportunities related to the regulation of labor organizations under chapter 447, Florida Statutes; the administration of child labor laws under chapter 450, Florida Statutes; and the administration of migrant labor and farm labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(3) Effective July 1, 2000, any other powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Labor and Employment Security, not otherwise transferred by this act, relating to workplace regulation and enforcement, including, but not limited to, those under chapter 448, Florida Statutes, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the department to the Bureau of Workplace Regulation in the Division of Workers' Compensation of the Department of Insurance.

(4) Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions transferred under subsections (1), (2), and (3) are transferred as provided in section 20.06(2), Florida Statutes, to the Division of Worker's Compensation and the Office of the Judges of Compensation Claims. The Department of Insurance, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workers' Compensation and the Office of the Judges of Compensation Claims as transferred to the Department of Insurance. The number of administrative support positions that the Department of Insurance determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims, the number of required administrative support positions as determined by the Department of Insurance shall be authorized within the Department of Insurance. The Department of Insurance may transfer and reassign positions as deemed necessary to effectively integrate the activities of the Division of Workers' Compensation. Appointments to time–limited positions under this act and authorized positions under this section may be made without regard to the provisions of 60K-3, 4 and 17, Florida Administrative Code. Notwithstanding the provisions of section 216.181(8), Florida Statutes, the Department of Insurance is authorized, during Fiscal Year 2000–2001, to exceed the approved salary in the budget entities affected by this act.

Section 78. Subsection (2) of section 20.13, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

(a) Division of Insurer Services.

(b) Division of Insurance Consumer Services.

(c) Division of Agents and Agencies Services.

(d) Division of Rehabilitation and Liquidation.

(e) Division of Risk Management.

(f) Division of State Fire Marshal.

(g) Division of Insurance Fraud.

(h) Division of Administration.

(i) Division of Treasury.

(j) Division of Legal Services.

(k) Division of Workers' Compensation.

(7)(a) A Bureau of Workplace Regulation is created within the Division of Workers' Compensation.

(b) A Bureau of Workplace Safety is created within the Division of Workers' Compensation.

Section 79. *Effective January 1, 2001, the Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation, except that all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the division related to the resolution of disputed claims for unemployment compensation benefits through the use of appeals referees are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Unemployment Appeals Commission. Additionally, by January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue to have the Department of Revenue provide unemployment tax administration and collection services to the Agency for Workforce Innovation. Upon entering into such contract with the Agency for Workforce Innovation to provide unemployment tax administration and collection services, the Department of Revenue may transfer from the agency or is authorized to establish the number of positions determined by that contract. The Department of Revenue, as detailed in that contract, may exercise all and any authority that is provided in law to the Division of Unemployment Compensation to fulfill the duties of that contract as the division's tax–administration and collection–services agent including, but not limited to, the promulgating of rules necessary to administer and collect unemployment taxes. The Department of Revenue is authorized to contract with the Department of Management Services or other appropriate public or private entities for*

professional services, regarding the development, revision, implementation, maintenance, and monitoring of electronic data systems and management information systems associated with the administration and collection of unemployment taxes.

Section 80. *Effective January 1, 2001, the Office of Information Systems is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Management Services, except that all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the office related to workforce information systems planning are transferred effective October 1, 2000, by a type two transfer as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.*

Section 81. *Effective October 1, 2000, the Minority Business Advocacy and Assistance Office is transferred by a type two transfer as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Management Services.*

Section 82. *(1) Effective upon this act becoming a law, the Florida Task Force on Workplace Safety is established within the Department of Insurance. All members of the task force shall be appointed prior to July 15, 2000, and the task force shall hold its first meeting by August 15, 2000. The task force shall be composed of 15 members as follows:*

(a) Five members appointed by the Governor, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and three of whom must be from private–sector businesses. The Governor shall name one of the appointees under this paragraph as chair of the task force;

(b) Four members appointed by the President of the Senate, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and two of whom must be from private–sector businesses;

(c) Four members appointed by the Speaker of the House of Representatives, one of whom must be a representative of a statewide business organization, one of whom must be a representative of organized labor, and two of whom must be from private–sector businesses;

(d) One member appointed from the private–sector by the Insurance Commissioner; and

(e) The president of Enterprise Florida, Inc., or his or her designee from the organization.

The Insurance Commissioner or the commissioner's designee from the Department of Insurance shall serve as an ex officio nonvoting member of the task force.

(2) The purpose of the task force is to develop findings and issue recommendations on innovative ways in which the state may employ state or federal resources to reduce the incidence of employee accidents, occupational diseases, and fatalities compensable under the workers' compensation law. The task force shall address issues including, but not limited to:

(a) Alternative organizational structures for the delivery of workplace safety assistance services to businesses following the repeal of the Division of Safety of the Department of Labor and Employment Security under chapter 99–240, Laws of Florida;

(b) The extent to which workplace safety assistance services are or may be provided through private–sector sources;

(c) The potential contribution of workplace safety assistance services to a reduction in workers' compensation rates for employers;

(d) Differences in the workplace safety needs of businesses based upon the size of the businesses and the nature of the businesses;

(e) Differences in the workplace safety needs of private–sector employers and public–sector employers;

(f) The relationship between federal and state workplace safety activities; and

(g) The impact of workplace safety and workers' compensation on the economic development efforts of the state.

(3) The task force shall be located in the Department of Insurance, and staff of the department shall serve as staff for the task force.

(4) Members of the task force shall serve without compensation but will be entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties.

(5) The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control.

(6) The task force shall submit a report and recommendations to the Governor, the Insurance Commissioner, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2001. The report shall include recommendations on the organizational structure, mission, staffing structure and qualifications, and funding level for the Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance. The report also shall include any specific recommendations for legislative action during the 2001 Regular Session of the Legislature.

(7)(a) During Fiscal Year 2000–2001, the Division of Workers' Compensation of the Department of Insurance is authorized to establish 40 time–limited positions on July 1, 2000, responsible for the 21(d) federal grant from the Occupational Safety and Health Administration and for the core responsibilities under a program for enforcement of safety and health regulations in the public sector.

(b) After the Task Force on Workplace Safety has issued its report and recommendations, the Division of Workers' Compensation may eliminate the 40 time–limited positions and establish and classify permanent positions as authorized in the Fiscal Year 2000–2001 General Appropriations Act or seek a budget amendment as provided in chapter 216, Florida Statutes, to implement the recommendations of the task force.

(c) All records, property, and equipment of the Division of Safety of the Department of Labor and Employment Security, repealed under chapter 99–240, Laws of Florida, shall be transferred to the Bureau of Workplace Safety of the Division of Workers' Compensation of the Department of Insurance for the bureau to retain, use, and maintain during the deliberations of the task force.

(8) The task force shall terminate upon submission of its report.

Section 83. Effective upon this act becoming a law, section 39 of chapter 99-240, Laws of Florida, is amended to read:

Section 39. Effective *October 1, 2000* ~~January 1, 2001~~, the Division of Blind Services is transferred by a type two transfer as defined in section *20.06(2)* ~~20.06(5)~~, Florida Statutes, from the Department of Labor and Employment Security to the Department of *Management Services* ~~Education~~.

Section 84. *(1) It is the intent of the Legislature that the transfer of responsibilities from the Department of Labor and Employment Security to other units of state government as prescribed by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to the employees of the department. To that end, the Legislature believes that a transition period during which the activities of the department can be systematically reduced and the activities of the other applicable units of state government can be strategically increased is appropriate and warranted.*

(2) The Department of Labor and Employment Security and the Department of Management Services shall provide coordinated reemployment assistance to employees of the Department of Labor and Employment Security who are dislocated as a result of this act. The state Workforce Development Board, the regional workforce boards, and staff of the one–stop career centers shall provide assistance to the departments in carrying out the provisions of this section.

(3) The state and its political subdivisions shall give preference in the appointment and the retention of employment to employees of the Department of Labor and Employment Security who are dislocated as a result of this act. Furthermore, for those positions for which an examination is

used to determine the qualifications for entrance into employment with the state or its political subdivisions, 10 points shall be added to the earned ratings of any employee of the Department of Labor and Employment Security who is dislocated as a result of this act if such person has obtained a qualifying score on the examination for the position. Preference is considered to have expired once such person has been employed by any state agency or any agency of a political subdivision of the state.

(4)(a) There is created the Labor and Employment Security Transition Team, which will be responsible for coordinating and overseeing actions necessary to ensure the timely, comprehensive, efficient, and effective implementation of the provisions of this act, as well as implementation of any statutory changes to the Department of Labor and Employment Security's provision of workforce placement and development services through the Division of Workforce and Employment Opportunities. By February 1, 2001, the transition team shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report on the transition of the Department of Labor and Employment Security. The report shall include any recommendations on legislative action necessary during the 2001 Regular Session of the Legislature to address substantive or technical issues related to the department's transition. The transition team shall terminate on May 15, 2001.

(b) The transition team shall consist of the following members:

1. The Governor or the Governor's designee, who shall serve as chair of the transition team and who shall convene meetings of the transition team;

2. The Secretary of Labor and Employment Security or the secretary's designee;

3. The Secretary of Management Services or the secretary's designee;

4. The Commissioner of Insurance or the commissioner's designee;

5. The executive director of the Department of Revenue or the executive director's designee;

6. The director of the Agency for Workforce Innovation or the director's designee;

7. The president of Workforce Florida, Inc., or the president's designee;

8. The Chief Information Officer for the State; and

9. Any other members as deemed necessary by and appointed by the Governor.

(c) Staff of the Office of Policy and Budget in the Executive Office of the Governor shall serve as staff for the transition team. In addition, each member of the transition team shall appoint appropriate staff members from the organization that he or she represents to serve as liaisons to the transition team and to assist the transition team as necessary. Each member of the transition team shall be responsible for ensuring that the organization that he or she represents cooperates fully in the implementation of this act.

(d) Between the date this act becomes a law and January 1, 2001, the transition team shall submit bimonthly to the President of the Senate and the Speaker of the House of Representatives brief status reports on the progress and on any significant problems in implementing this act.

(5) The transfer of any programs, activities, and functions under this act shall include the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such programs, activities, and functions. Any surplus records and unexpended balances of appropriations, allocations, or other funds not so transferred shall be transferred to the Department of Management Services for proper disposition. The Department of Management Services shall become the custodian of any property of the Department of Labor and Employment Security which is not otherwise transferred for the purposes of chapter 273, Florida Statutes. The Department of Management Services is authorized to permit the use of such property by organizations as necessary to implement the provisions of this act.

(6) The transition team, in conjunction with the Office of the Attorney General, may use any unexpended balances of the Department of Labor and Employment Security to settle any claims or leases, pay out personnel annual leave or sick leave, or close out other costs owed by the department, regardless of whether such costs relate to federal, state, or local governments; department employees; or the private sector. Any remaining balances of the department shall be transferred as directed by this act or by budget amendment.

(7) The transition team shall monitor any personnel plans of the Department of Labor and Employment Security and any implementation activities of the department required by this act. The department shall not fill a vacant position or transfer an employee laterally between any divisions or other units of the department without the approval of the transition team.

(8) The transition team may submit proposals to the Governor and recommend budget amendments to ensure the effective implementation of this act, maintenance of federal funding, and continuation of services to customers without interruption. Prior to October 1, 2000, the transition team, through the Office of Policy and Budget, shall prepare a budget amendment to allocate the resources of the Office of the Secretary, Office of Administrative Services, Division of Unemployment Compensation, and other resources of the Department of Labor and Employment Security not otherwise transferred by this act. The allocation of resources under this budget amendment must provide for the maintenance of the department until January 1, 2001, in order to complete activities related to the dissolution of the department and must reserve any remaining funds or positions.

(9) This section shall take effect upon this act becoming a law.

Section 85. *To expedite the acquisition of goods and services for implementing the provisions of this act, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are exempt from the provisions of chapter 287, Florida Statutes, when contracting for the purchase or lease of goods or services under this act. This section shall take effect upon this act becoming a law and shall expire January 1, 2001.*

Section 86. *To expedite the leasing of facilities for implementing the provisions of this act, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are exempt from the requirements of any state laws relating to the leasing of space, including, but not limited to, the requirements imposed by section 255.25, Florida Statutes, and any rules adopted under such laws, provided, however, that all leases entered into under this act through January 1, 2001, must be submitted for approval to the Department of Management Services at the earliest practicable time. This section shall take effect upon this act becoming a law and shall expire January 1, 2001.*

Section 87. *Notwithstanding the provisions of chapter 120, Florida Statutes, to the contrary, the Department of Revenue, the Department of Insurance, the Department of Management Services, and the Agency for Workforce Innovation are authorized to develop emergency rules relating to and in furtherance of the orderly implementation of the provisions of this act. These emergency rules shall be valid for a period of 270 days after the effective date of this act.*

Section 88. *(1) The Department of Revenue shall develop and issue notification to all businesses registered with the Department of Labor and Employment Security for the purpose of paying unemployment compensation tax imposed pursuant to chapter 443, Florida Statutes. Such notification shall include, but not be limited to, information on the transfer of responsibilities from the Department of Labor and Employment Security to the Department of Revenue and other agencies relating to unemployment compensation activities.*

(2) The Department of Revenue is authorized to issue any notices, forms, documents, or publications relating to the unemployment compensation tax which the Division of Unemployment Compensation of the Department of Labor and Employment Security was authorized to issue or publish under chapter 443, Florida Statutes, prior to the transfer of any responsibilities under this act.

(3) The Department of Revenue is authorized to determine the most efficient and effective method for administering, collecting, enforcing, and auditing the unemployment compensation tax in consultation with the businesses that pay such tax and consistent with the provisions of chapter 443, Florida Statutes.

Section 89. Effective October 1, 2000, subsection (19) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(19) "Office" means the Minority Business Advocacy and Assistance Office of the Department of *Management Services* ~~Labor and Employment Security~~.

Section 90. Effective October 1, 2000, subsection (1) of section 287.0947, Florida Statutes, is amended to read:

287.0947 Florida Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, *2000* ~~1996~~, the secretary of the Department of *Management Services* ~~Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

(a) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b) Eight members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c) Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) The chairperson of the Florida Black Business Investment Board or the chairperson's designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

Section 91. Effective October 1, 2000, subsections (2) and (3) and paragraph (h) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

287.09451 Minority Business Advocacy and Assistance Office; powers, duties, and functions.—

(2) The Minority Business Advocacy and Assistance Office is established within the Department of *Management Services* ~~Labor and Employment Security~~ to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The *Secretary of the Department of Management Services* ~~secretary~~ shall appoint an executive director for the Minority Business Advocacy and Assistance Office, who shall serve at the pleasure of the secretary.

(4) The Minority Business Advocacy and Assistance Office shall have the following powers, duties, and functions:

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of *Management Services* ~~Labor and Employment Security~~ for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of *Management Services* ~~Labor and Employment Security~~ shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

Section 92. Effective upon this act becoming a law, subsections (3), (4), and (6) of section 20.15, Florida Statutes, are amended and paragraph (d) is added to subsection (5) of that section to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(a) Division of Community Colleges.

(b) Division of Public Schools and Community Education.

(c) Division of Universities.

(d) Division of Workforce Development.

(e) Division of Human Resource Development.

(f) Division of Administration.

(g) Division of Financial Services.

(h) Division of Support Services.

(i) Division of Technology.

(j) Division of Occupational Access and Opportunity.

(4) DIRECTORS.—The Board of Regents is the director of the Division of Universities, *the Occupational Access and Opportunity Commission is the director of the Division of Occupational Access and Opportunity,* and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

(5) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education:

(d) Shall assign to the Division of Occupational Access and Opportunity such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of its programs, including, but not limited to, vocational rehabilitation and independent living services to persons with disabilities which services are funded under the Rehabilitation Act of 1973, as amended, except:

1. Those duties specifically assigned to the Division of Blind Services of the Department of Management Services;

2. Those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551;

3. Those duties concerning physical facilities in chapter 235;

4. Those duties assigned to the State Board of Community Colleges in chapter 240; and

5. Those duties assigned to the Division of Workforce Development in chapter 239.

Effective October 1, 2000, the Occupational Access and Opportunity Commission shall assume all responsibilities necessary to be the designated state agency for purposes of compliance with the Rehabilitation Act of 1973, as amended.

(6) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, *the Occupational Access and Opportunity Commission, the Florida Rehabilitation Council, the Florida Independent Living Council,* and the State Board of Nonpublic Career Education.

Section 93. Subsection (16) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(16) OCCUPATIONAL ACCESS AND OPPORTUNITY COMMISSION.—Notwithstanding s. 120.57(1)(a), hearings concerning determinations by the Occupational Access and Opportunity Commission on eligibility, plans of services, or closure need not be conducted by an administrative law judge assigned by the division. The commission may choose to contract with another appropriate resource in these matters.

Section 94. Effective October 1, 2000, section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, internal organizational structure; *Florida Rehabilitation* ~~Advisory~~ Council for ~~the~~ Blind *Services*.—

(1) The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall ~~plan, supervise, and~~ carry out the following activities *under planning and policy guidance from the Florida Rehabilitation Council for Blind Services*:

(a) Implement the provisions of the 5-year strategic plan prepared by the council under paragraph (3)(a) to provide services to individuals who are blind.

(b)~~(a)~~ Recommend personnel as may be necessary to carry out the purposes of this section.

(c)~~(b)~~ Cause to be compiled and maintained a complete register of *individuals in the state who are* ~~the~~ blind ~~in the state~~, which shall describe the condition, cause of blindness, and capacity for education and industrial training, with such other facts as may seem to the division to be of value. Any information in the register of *individuals who are* ~~the~~ blind which, when released, could identify an individual is confidential and exempt from the provisions of s. 119.07(1).

(d)~~(c)~~ Inquire into the cause of blindness, inaugurate preventive measures, and provide for the examination and treatment of *individuals who are* ~~the~~ blind, or those threatened with blindness, for the benefit of such persons, and shall pay therefor, including necessary incidental expenses.

(e)~~(d)~~ *Contract with community-based rehabilitation providers, to the maximum extent allowable under federal law, to assist individuals who are blind in obtaining* ~~Aid the blind in finding~~ employment, teach them trades and occupations within their capacities, assist them in disposing of products made by them in home industries, assist them in obtaining funds for establishing enterprises where federal funds reimburse the state, and do such things as will contribute to the efficiency of self-support of *individuals who are* ~~the~~ blind.

(f)~~(e)~~ Establish one or more training schools and workshops for the employment of suitable *individuals who are* blind ~~persons~~; make expenditures of funds for such purposes; receive moneys from sales of commodities involved in such activities and from such funds make payments of wages, repairs, insurance premiums and replacements of equipment. All of the activities provided for in this section may be carried on in cooperation with private workshops for *individuals who are* ~~the~~ blind, except that all tools and equipment furnished by the division shall remain the property of the state.

(g)~~(f)~~ *Contract with community-based rehabilitation providers, to the maximum extent allowable under federal law, to* provide special services and benefits for *individuals who are* ~~the~~ blind *in order to assist them in* ~~for~~ developing their social life through community activities and recreational facilities.

(h)~~(g)~~ Undertake such other activities as may ameliorate the condition of ~~blind~~ citizens of this state *who are blind*.

(i)~~(h)~~ Cooperate with other agencies, public or private, especially the Division of the Blind and Physically Handicapped of the Library of Congress and the Division of Library and Information Services of the Department of State, to provide library service to *individuals who are* ~~the~~ blind and *individuals who have other disabilities* ~~other handicapped persons~~ as defined in federal law and regulations in carrying out any or all of the provisions of this law.

(j)~~(i)~~ Recommend contracts and agreements with federal, state, county, municipal and private corporations, and individuals.

(k)~~(j)~~ Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law.

(l)~~(k)~~ Prepare and make available to *individuals who are* ~~the~~ blind, in braille and on electronic recording equipment, Florida Statutes chapters 20, 120, 121, and 413, in their entirety.

(m)~~(l)~~ Adopt by rule procedures *necessary to comply with any plans prepared by the council* for providing vocational rehabilitation services for *individuals who are* ~~the~~ blind.

(n)~~(m)~~ Adopt by rule forms and instructions to be used by the division in its general administration.

(o) Recommend to the Legislature a method to privatize the Business Enterprise Program established under s. 413.051 by creating a not-for-profit entity. The entity shall conform to requirements of the federal Randolph Sheppard Act and shall be composed of blind licensees with expertise in operating business enterprises. The division shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as well as to the appropriate substantive committees of the Legislature, by January 1, 2001.

(2) As used in this section:

(a) "Act," unless the context indicates otherwise, means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797, *as amended*.

(b) "Blind" or "blindness" means the condition of any person for whom blindness is a disability as defined by the Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

(c) "Community-based rehabilitation provider" means a provider of services to individuals in a community setting which has as its primary function services directed toward individuals who are blind.

(d) "Council" means the Florida Rehabilitation Council for Blind Services.

(e)~~(c)~~ "Department" means the Department of *Management Services* ~~Labor and Employment Security~~.

(f) "Plan" means the 5-year strategic plan developed by the council under paragraph (3)(a).

(g) "State plan" means the state plan for vocational rehabilitation required by the federal Rehabilitation Act of 1973, as amended.

(3) There is ~~hereby~~ created in the department the *Florida Rehabilitation* ~~Advisory~~ Council for ~~the~~ Blind *Services. The council shall be established in accordance with the act and must include at least four representatives of private–sector businesses that are not providers of vocational rehabilitation services. Members of the council shall serve without compensation, but may be reimbursed for per diem and travel expenses*

pursuant to s. 112.061. ~~to assist the division in the planning and development of statewide rehabilitation programs and services, to recommend improvements to such programs and services, and to perform the functions provided in this section.~~

~~(a) The advisory council shall be composed of:~~

~~1. At least one representative of the Independent Living Council, which representative may be the chair or other designee of the council;~~

~~2. At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9);~~

~~3. At least one representative of the client assistance program established under the act;~~

~~4. At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services for the blind, who shall serve as an ex officio nonvoting member of the council if the counselor is an employee of the department;~~

~~5. At least one representative of community rehabilitation program service providers;~~

~~6. Four representatives of business, industry, and labor;~~

~~7. At least one representative of a disability advocacy group representing individuals who are blind;~~

~~8. At least one parent, family member, guardian, advocate, or authorized representative of an individual who is blind, has multiple disabilities, and either has difficulties representing himself or herself or is unable, due to disabilities, to represent himself or herself;~~

~~9. Current or former applicants for, or recipients of, vocational rehabilitation services; and~~

~~10. The director of the division, who shall be an ex officio member of the council.~~

~~(b) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities, and organizations interested in those individuals.~~

~~(c) A majority of council members shall be persons who are:~~

~~1. Blind; and~~

~~2. Not employed by the division.~~

~~(d) The council shall select a chair from among its membership.~~

~~(e) Each member of the council shall serve for a term of not more than 3 years, except that:~~

~~1. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term; and~~

~~2. The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.~~

~~(f) No member of the council may serve more than two consecutive full terms.~~

~~(g) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.~~

(a)~~(h)~~ In addition to the other functions specified in *the act* ~~this section~~, the council shall:

1. Review, analyze, and *direct* ~~advise~~ the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

a. Eligibility, including order of selection;

b. The extent, scope, and effectiveness of services provided; and

c. Functions performed by state agencies that affect or potentially affect the ability of individuals who are blind to achieve rehabilitation goals and objectives under Title I.

2. Advise the department and the division~~,~~ and *provide direction for*~~, at the discretion of the department or division, assist in~~ the preparation of applications, the state plan *as required by federal law*, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.

3. Prepare by March 1, 2001, and begin implementing, by July 1, 2001, subject to approval by the Federal Government, a 5–year strategic plan to provide services to individuals who are blind. The council must consult with stakeholders and conduct public hearings as part of the development of the plan. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The council annually shall make amendments to the plan, which also must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must provide for the maximum use of community–based rehabilitation providers for the delivery of services and a corresponding reduction in the number of state employees in the division to the minimum number necessary to carry out the functions required under this section. The plan also must provide for 90 percent of the funds provided for services to individuals who are blind to be used for direct customer services.

4.~~3.~~ To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

a. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who are blind.

b. Vocational rehabilitation services:

(I) Provided or paid for from funds made available under the act or through other public or private sources.

(II) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind.

5.~~4.~~ Prepare and submit an annual report on the status of vocational rehabilitation services for *individuals who are* ~~the~~ blind in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

6.~~5.~~ Coordinate with other councils within the state, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300X-4(e), *the Occupational Access and Opportunity Commission, and the state Workforce Development Board under the federal Workforce Investment Act*.

7.~~6.~~ Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.

8.~~7.~~ Perform such other functions consistent with the purposes of the act as the council determines to be appropriate that are comparable to functions performed by the council.

(b)~~(i)~~1. The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

~~2. If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council~~

~~as set forth in this section, the disagreement shall be resolved by the Governor.~~

2.~~3.~~ The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

3.~~4.~~ While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(c)~~(j)~~ No council member shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

(d)~~(k)~~ The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public. *To the maximum extent possible, the meetings shall be held in locations that are accessible to individuals with disabilities.* The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

Section 95. Effective October 1, 2000, section 413.014, Florida Statutes, is amended to read:

413.014 Community-based rehabilitation *providers* ~~programs~~.—*The 5-year plan prepared under s. 413.011(3)(a)3. shall require* the Division of Blind Services *to* ~~shall~~ enter into cooperative agreements with community-based rehabilitation *providers* ~~programs~~ to be the service providers for the blind citizens of their communities. *State employees, however, shall provide all services that may not be delegated under federal law.* The division shall, as rapidly as feasible, increase the amount of such services provided by community-based rehabilitation *providers* ~~programs~~. The goal shall be to decrease the amount of such services provided by division employees and to increase to the maximum extent allowed by federal law the amount of such services provided through cooperative agreements with community-based service providers. The division shall seek, to the maximum extent allowed by federal and state law and regulation, all available federal funds for such purposes. Funds and in-kind matching contributions from community and private sources shall be used to maximize federal funds. Unless prohibited by federal law or regulation, the share of the federal vocational rehabilitation grant apportioned for services to the blind shall be not less than 17 percent. *By December 31 of each year, the division shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a status report on its progress on increasing the amount of services provided by community–based rehabilitation providers as required by this section. The report shall include recommendations on reductions in the number of division employees based upon increased use of community–based rehabilitation providers.*

Section 96. Effective October 1, 2000, subsection (1) of section 413.034, Florida Statutes, is amended to read:

413.034 Commission established; membership.—

(1) There is created within the Department of Management Services the Commission for Purchase from the Blind or Other Severely Handicapped, to be composed of the secretary of the Department of Management Services; the director of the Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~ of the Department of *Education* ~~Labor and Employment Security~~, who shall be an ex officio member with voting rights; the director of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~; and four members to be appointed by the Governor, which four members shall be an executive director of a nonprofit agency for the blind, an executive director of a nonprofit agency for other severely handicapped persons, a representative of private enterprise, and a representative of other political subdivisions. All appointed members shall serve for terms of 4 years. Appointed commission members shall serve subject to confirmation by the Senate.

Section 97. Effective October 1, 2000, paragraph (a) of subsection (2) and subsection (3) of section 413.051, Florida Statutes, are amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(2) As used in this section:

(a) "Blind licensee" means any *person who is* blind *and who is* ~~person~~ trained and licensed by the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ to operate a vending stand.

(3) Blind licensees shall be given the first opportunity to participate in the operation of vending stands on all state properties acquired after July 1, 1979, when such facilities are operated under the supervision of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~.

Section 98. Effective October 1, 2000, section 413.064, Florida Statutes, is amended to read:

413.064 Rules.—The Department of *Management Services* ~~Labor and Employment Security~~ shall adopt all necessary rules pertaining to the conduct of a solicitation for the benefit of *individuals who are* blind ~~persons~~, including criteria for approval of an application for a permit for such solicitation.

Section 99. Effective October 1, 2000, section 413.066, Florida Statutes, is amended to read:

413.066 Revocation of permit.—Any failure on the part of a person or organization holding a permit under the provisions of ss. 413.061-413.068 to comply with the law or with all rules promulgated by the Department of *Management Services* ~~Labor and Employment Security~~ as authorized by s. 413.064 constitutes a ground for revocation of the permit by the Division of Blind Services.

Section 100. Effective October 1, 2000, section 413.067, Florida Statutes, is amended to read:

413.067 Penalty.—Any person who violates the provisions of ss. 413.061-413.068 or any rule promulgated by the Department of *Management Services* ~~Labor and Employment Security~~ pursuant thereto commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 101. *Effective October 1, 2000,* subsection (1) of section 413.395, Florida Statutes, is amended to read:

413.395 Florida Independent Living Council.—

(1) There is created the Florida Independent Living Council to assist the division and the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~, as well as other state agencies and local planning and administrative entities assisted under Title VII of the act, in the expansion and development of statewide independent living policies, programs, and concepts and to recommend improvements for such programs and services. The council shall function independently of the division and, unless the council elects to incorporate as a not-for-profit corporation, is assigned to the division for administrative purposes only. The council may elect to be incorporated as a Florida corporation not for profit and, upon such election, shall be assisted in the incorporation by the division for the purposes stated in this section. The appointed members of the council may constitute the board of directors for the corporation.

Section 102. *It is the intent of the Legislature that the provisions of this act relating to services for individuals who are blind not conflict with any federal statute or implementing regulation governing federal grant–in–aid programs administered by the Division of Blind Services or the Florida Rehabilitation Council for Blind Services. Whenever such a conflict is asserted by the U.S. Department of Education or other applicable agency of the Federal Government, the council shall submit to the U.S. Department of Education or other applicable federal agency a request for a favorable policy interpretation of the conflicting portions of such statute or regulation. If the request is approved, as certified in writing by the Secretary of the U.S. Department of Education or the head of the other applicable federal agency, the council or the division is authorized to adjust the plan as necessary to achieve conformity with federal statutes or regulations. Before adjusting the plan, the council or the division shall provide to the President of the Senate and the Speaker of the House of Representatives an explanation and justification of the position of the*

council or division and shall outline all feasible alternatives that are consistent with this act. These alternatives may include the state supervision of local service agencies by the council or the division if the agencies are designated by the Governor.

Section 103. Effective upon this act becoming a law, section 413.82, Florida Statutes, is amended to read:

413.82 Definitions.—As used in ss. 413.81-413.93, the term:

(1) "Commission" means the Commission on Occupational Access and Opportunity.

(2) "Community rehabilitation provider" means a provider of services to people in a community setting which has as its primary function services directed toward employment outcomes for people with disabilities.

(3)~~(2)~~ "Corporation" means the Occupational Access and Opportunity Corporation.

(4)~~(3)~~ "Division" means the Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~.

(5) "Plan" means the plan required by ss. 413.81-413.93.~~(4) "Office" means the Executive Office of the Governor.~~

(6)~~(5)~~ "*State* plan" means the state plan for vocational rehabilitation required by *Title I of* the federal Rehabilitation Act of 1973, as amended~~, and ss. 413.81-413.93~~.

(7)~~(6)~~ "Region" means a service area for a regional workforce development board established by the Workforce Development Board.

Section 104. Effective upon this act becoming a law, subsections (2), (3), (6), (7), (8), and (10) of section 413.83, Florida Statutes, are amended to read:

413.83 Occupational Access and Opportunity Commission; creation; purpose; membership.—

(2) The commission shall consist of 16 *voting* members, *including 15 members* appointed, as provided *in this section* ~~herein~~, by the Governor, the President of the Senate, and the Speaker of the House of Representatives, *and four ex-officio, nonvoting members.* ~~The commission must contain a minimum of 50 percent representation from the private sector.~~ *Appointment of members is subject to confirmation by the Senate. The membership of the commission may not include more than two individuals who are, or are employed by, community rehabilitation providers who contract to provide vocational rehabilitation services to individuals who qualify for the program.* The members of the commission shall include:

(a) The Commissioner of Education, or his or her designee, who shall serve as chair *until October 1, 2000; after October 1, 2000, the commission shall elect a chair from its membership*;

(b) Eight employers from the private sector, three of whom shall be appointed by the Governor for a term of 4 years, three of whom shall be appointed by the President of the Senate for a term of 4 years, and two of whom shall be appointed by the Speaker of the House of Representatives for a term of 4 years;

(c) An individual who is a consumer of vocational rehabilitation services, who shall be appointed by the Governor for a term of 4 years;

(d) A community rehabilitation provider who contracts to provide vocational rehabilitation services to individuals who qualify for the program and who shall be appointed by the Governor for a term of 4 years;

(e) Five representatives of business, workforce development, education, state government, local government, a consumer advocate group, or a community organization, three of whom shall be appointed by the Governor for a term of 4 years, one of whom shall be appointed by the President of the Senate for a term of 4 years, and one of whom shall be appointed by the Speaker of the House of Representatives for a term of 4 years; and

(f) As exofficio, nonvoting members:

1. The executive director or his or her designee from the Advocacy Center for Persons with Disabilities;

2. The chair of the Florida Rehabilitation Council;

3. The chair of the Council for Independent Living; and

4. The chair of the Commission for the Purchase from the Blind or Other Severely Handicapped.

~~(b) The chair of the Florida Rehabilitation Council;~~

~~(c) The chair of the Council for Independent Living;~~

~~(d) The chair of the Commission for the Purchase from the Blind or Other Severely Handicapped;~~

~~(e) A community rehabilitation provider who contracts to provide vocational rehabilitation services to individuals who qualify for the program, who shall be appointed by the Governor for a term of 4 years;~~

~~(f) A representative from the Advocacy Center for Persons With Disabilities, who shall be appointed by the President of the Senate for a term of 4 years;~~

~~(g) A consumer of vocational rehabilitation services, who shall be appointed by the Speaker of the House of Representatives for a term of 4 years; and~~

~~(h) Other individuals with disabilities and representatives of business, workforce development, education, state government, local government, consumer advocate groups, employers of individuals with disabilities, or community organizations.~~

(3) *By September 1, 2000, after receiving recommendations from the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall consult together and take actions necessary to bring the membership of the commission into compliance with the requirements of this section. In taking such action, initial terms shall be staggered as necessary to ensure that the terms of no more than one–fourth of the commission's total appointed membership shall expire in any 1-year period.* ~~Initially, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint as members meeting the qualifications contained in paragraph (2)(h), one member for a term of 3 years, one member for a term of 2 years, and one member for a term of 1 year.~~ Thereafter, after receiving recommendations from the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint all members for terms of 4 years. Any vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term by a person who possesses the proper qualifications for the vacancy.

(6) ~~The Governor shall name the chair of the commission from its appointed members.~~ The commission shall biennially elect one of its members as vice chair, who shall preside in the absence of the chair. Neither the chair, nor the vice chair, may be a provider of client services funded through the commission.

(7) The Rehabilitation Council created by s. 413.405 ~~shall serve the commission and~~ shall continue to perform its designated duties*, with the commission as the designated state vocational rehabilitation agency.* ~~The commission shall consider the recommendations made by the council.~~

(8) The commission may appoint advisory committees that the commission considers appropriate, which may include members from outside the commission to study special problems or issues and advise the commission on those subjects. *The commission shall establish an advisory council composed of representatives from not-for-profit organizations that have submitted a resolution requesting membership and have had the request approved by the commission.* ~~Any existing advisory board, commission, or council may seek to become an official advisory committee to the commission by submitting to the commission a resolution requesting affiliation and having the request approved by the commission.~~ The commission shall establish the operating procedures of the committees.

(10) The members of the commission *may rely on and are subject to* ~~are entitled to be reimbursed for reasonable and necessary expenses of attending meetings and performing commission duties, including per~~

~~diem and travel expenses, and for personal care attendants and interpreters needed by members during meetings, as provided in~~ s. 413.273.

Section 105. Effective upon this act becoming a law, section 413.84, Florida Statutes, is amended to read:

413.84 Powers and duties.—The commission:

(1) Effective July 1, 2000, shall serve as the director of the Division of Occupational Access and Opportunity of the Department of Education.

(2) Is responsible for establishing policy, planning, and quality assurance for the programs assigned and funded to the division, including, but not limited to, vocational rehabilitation and independent living services to persons with disabilities which services are funded under the federal Rehabilitation Act of 1973, as amended, in a coordinated, efficient, and effective manner. The Occupational Access and Opportunity Commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. Such rules and policies shall be submitted to the State Board of Education for approval. If any rule is not disapproved by the State Board of Education within 45 days after its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. Effective October 1, 2000, rules adopted by the commission do not require approval by the State Board of Education.

(3) Shall, in consultation with the Commissioner of Education, hire a division director to be responsible to the commission for operation and maintenance of the programs assigned and funded to the division.

(4)~~(1)~~ Shall, no later than *January* ~~July~~ 1, *2001* ~~2000~~, after consulting with stakeholders and holding public hearings, develop and implement a 5-year plan to promote occupational access and opportunities for Floridians with disabilities~~, and to fulfill the federal plan requirements~~. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The commission may make amendments annually to the plan, which must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the first of January.

(a) The plan must explore the use of Individual Training Accounts, as described in the federal Workforce Act of 1998, Pub. L. No. 105-220, for eligible clients. If developed, these accounts must be distributed under a written memorandum of understanding with One-Stop Career Center operators.

(b) The plan must include an emergency response component to address economic downturns.

(c) The plan must designate an administrative entity that will support the commission's work; provide technical assistance, training, and capacity-building assistance; help raise additional federal, state, and local funds; and promote innovative contracts that upgrade or enhance direct services to Floridians with disabilities.

(d) The plan must require that the commission enter into cooperative agreements with community-based rehabilitation programs *by workforce region* to be the service providers for the program; however, state ~~career service~~ employees shall provide all services *that may not be delegated under* ~~mandated by~~ federal law. The commission shall, as rapidly as is feasible, increase the amount of such services provided by community-based rehabilitation programs. The plan must incorporate, to the maximum extent allowed by federal and state law and regulation, all available funds for such purposes. Funds and in-kind contributions from community and private sources shall be used to enhance federal and state resources.

(e) The plan must include recommendations regarding specific performance standards and measurable outcomes, and must outline procedures for monitoring *operations of* the *commission, the corporation, the division,* ~~commission's~~ and *all providers of services under contract to the commission's* ~~designated administrative entity's~~ operations to ensure that performance data is maintained and supported by records of such entities. The commission shall consult with the Office of Program Policy Analysis and Government Accountability in the establishment of performance standards, measurable outcomes, and monitoring procedures.

(5)~~(2)~~ Notwithstanding the provisions of part I of chapter 287, shall contract, no later than July 1, 2000, with the *corporation* ~~administrative entity designated in the plan~~ to execute the services, functions, and programs prescribed in the plan. The commission shall serve as contract administrator. ~~If approved by the federal Department of Education, the administrative entity may be a direct-support organization.~~ The commission shall define the terms of the contract.

(6)~~(3)~~ Shall work with the employer community to better define, address, and meet its business needs with qualified Floridians with disabilities.

(7)~~(4)~~ Is responsible for the prudent use of all public and private funds provided for the commission's use, ensuring that the use of all funds is in accordance with all applicable laws, bylaws, and contractual requirements.

(8)~~(5)~~ Shall develop an operational structure to carry out the plan developed by the commission.

(9)~~(6)~~ May appear on its own behalf before *the Legislature,* boards, commissions, departments, or other agencies of municipal, county, state, or Federal Government.

(10)~~(7)~~ In the performance of its duties, may undertake or commission research and studies.

(11)~~(8)~~ Shall develop a budget, which is in keeping with the plan, for the operation and activities of the commission and functions of its designated administrative entity. The budget shall be submitted to the Governor for inclusion in the Governor's budget recommendations.

(12)~~(9)~~ May assign staff from the ~~office or~~ division to assist in implementing the provisions of this act relating to the Occupational Access and Opportunity Commission.

Section 106. Effective upon this act becoming a law, subsections (1), (3), and (4) of section 413.85, Florida Statutes, are amended to read:

413.85 Occupational Access and Opportunity Corporation; use of property; board of directors; duties; audit.—

(1) ESTABLISHMENT.—If the commission elects to *contract with the corporation to provide services* ~~designate a direct-support organization as its administrative entity~~, such organization shall be designated the Occupational Access and Opportunity Corporation:

(a) Which is a corporation not for profit, as defined in *s. 501(c)* ~~s. 501(c)(6)~~ of the Internal Revenue Code of 1986, as amended, and is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Which is organized and operated exclusively to *carry out such activities and tasks as the commission assigns through contract.* ~~request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of the provisions of this act relating to the Occupational Access and Opportunity Commission.~~

(c) Which the commission, after review, has certified to be operating in a manner consistent with the policies and goals of the commission and the plan.

(d) Which shall not be considered an agency for the purposes of chapters 120, ~~and~~ 216, *and 287*; ss. 255.25 and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts IV through VIII of chapter 112.

(e) Which shall be subject to the provisions of chapter 119, relating to public records*;*~~, and~~ the provisions of chapter 286, relating to public meetings*; and the provisions of s. 768.28 as a corporation primarily acting as an instrumentality of this state.*

(3) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of *no fewer than 7 and no more than 15 members appointed by the commission, and a majority of its members must be members of the commission* ~~15 members, appointed by the commission from its own membership~~. The vice chair of the commission shall serve as chair of the corporation's board of directors.

(4) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the plan and the corporation's contract with the commission which are not inconsistent with this or any other provision of law.

(b) May develop a program to leverage the existing federal and state funding and to provide upgraded or expanded services to Floridians with disabilities *if directed by the commission.*

(c) May commission and adopt, in cooperation with the commission, an official business name and logo to be used in all promotional materials directly produced by the corporation.

(d) The corporation shall establish cooperative and collaborative memoranda of understanding with One-Stop Career Center operators to increase, upgrade, or expand services to Floridians with disabilities who are seeking employment and self-sufficiency.

(e) May hire any individual who, as of June 30, 2000, is employed by the Division of Vocational Rehabilitation. Such hiring may be done through a lease agreement established by the Department of Management Services for the corporation. Under such agreement, the employee shall retain his or her status as a state employee, but shall work under the direct supervision of the corporation. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 107. Effective upon this act becoming a law, section 413.86, Florida Statutes, is amended to read:

413.86 Public-private partnerships.—The Division of *Occupational Access and Opportunity* ~~Vocational Rehabilitation~~ will enter into local public-private partnerships to the extent that it is beneficial to increasing employment outcomes for persons with disabilities and ensuring their full involvement in the comprehensive workforce investment system.

Section 108. Effective upon this act becoming law, section 413.865, Florida Statutes, is created to read:

413.865 Coordination with workforce system.—

(1) The Occupational Access and Opportunity Commission, the Division of Occupational Access and Opportunity, the corporation, and community–based service providers shall coordinate and integrate their planning, programs, and services with the planning, programs, and services of Workforce Florida, Inc., the Agency for Workforce Innovation, regional workforce boards, and one–stop center operators to ensure that persons with disabilities can easily receive all intended and available federal, state, and local program services.

(2) These public and private partners shall work together to ensure and provide continuity of service to persons with disabilities throughout the state, as well as to provide consistent and upgraded services to persons with disabilities throughout the state.

(3) These public and private partners shall work together to ensure that Florida's design and implementation of the federal Workforce Investment Act:

(a) Integrates these partners in the One–Stop Delivery System through memorandums of understanding;

(b) Includes qualified and eligible providers of services to persons with disabilities in consumer reports to promote choice;

(c) Develops, using the Untried Worker Placement and Employment Incentive Act, a tailored Individual Training Account design for persons with disabilities; and

(d) Provides electronic access for persons with disabilities to workforce development services.

(4) These partners, with resources under their control or by budget amendment, shall establish the collaboration prescribed by this section. The Commission and Workforce Florida, Inc., may adopt a joint agreement that commits, contracts, redirects, and obligates resources under their control to support the strategy detailed in this section.

(5) The commission, in cooperation with its public and private partners, shall be responsible for developing and implementing comprehensive performance measurement methodologies to monitor and evaluate the progress of the commission and its public and private partners in meeting the statutory responsibilities for providing services to individuals with disabilities. These methodologies shall include, but are not limited to, measures to evaluate the performance of community rehabilitation providers who contract with the commission. The commission shall emphasize integration with performance measurement methodologies of the state's workforce development system.

Section 109. Effective upon this act becoming a law, subsection (2) of section 413.87, Florida Statutes, is amended to read:

413.87 Annual audit.—

(2) The corporation shall provide to the commission a quarterly report that:

(a) Updates its progress and impact in creating employment and increasing the personal income of individuals with disabilities;

(b) Provides detailed, unaudited financial statements of sources and uses of public and private funds;

(c) Measures progress towards annual goals and objectives set forth in the *contract* ~~commission's plan~~;

(d) Reviews all pertinent research findings and training efforts; and

(e) Provides other measures of accountability as requested by the commission.

Section 110. Effective upon this act becoming a law, section 413.88, Florida Statutes, is amended to read:

413.88 Annual report of the Occupational Access and Opportunity Commission; audits.—

(1) Before January 1 of each year, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a complete and detailed report setting forth for itself and its designated administrative entity:

(a) Its operations and accomplishments during the fiscal year.

(b) Its business and operational plan.

(c) The assets and liabilities of the *corporation* ~~designated administrative entity~~ at the end of its most recent fiscal year.

(d) A copy of the annual financial and compliance audit.

(2) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the commission or *the corporation* ~~its designated administrative entity~~.

Section 111. Effective upon this act becoming a law, section 413.89, Florida Statutes, is amended to read:

413.89 State vocational rehabilitation plan; preparation and submittal; administration.—*Effective July 1, 2000, the Department of Education is the designated state agency and the Division of Occupational Access and Opportunity is the designated state unit for purposes of compliance with the federal Rehabilitation Act of 1973, as amended. Effective October 1, 2000,* ~~Upon appointment,~~ the Occupational Access and Opportunity Commission is *the designated state agency for purposes of compliance with the Rehabilitation Act of 1973, as amended, and* authorized to prepare and submit the federally required state vocational rehabilitation plan and to serve as the governing authority of programs administered by the commission, including, but not limited to: administering the state's plan under the Rehabilitation Act of 1973, as amended; receiving federal funds as the state vocational rehabilitation agency; directing the expenditure of legislative appropriations for rehabilitative services through its designated administrative entity or other agents; and, if necessary, making any changes to the plan that the commission considers necessary to maintain compliance with the federal Rehabilitation Act of 1973, as amended, and implementing such changes in order to continue to qualify and maintain federal funding support. During the

period of time between *July 1, 2000, and October 1, 2000, the department and* ~~the appointment of the commission and the designation of the administrative entity,~~ the commission ~~and the division~~ may, by agreement, provide for continued administration consistent with federal and state law.

Section 112. Effective upon this act becoming a law, section 413.90, Florida Statutes, is amended to read:

413.90 *Designated State Agency and Designated State Unit* ~~Designation of administrative entity~~.—*Effective July 1, 2000,* ~~The division must comply with the transitional direction of the plan. If the commission designates an administrative entity other than the division,~~ all powers, duties, and functions of and all related records, property, and equipment and all contractual rights, obligations of, and unexpended balances of appropriations and other funds or allocations of the ~~division's~~ component programs of *the Division of Vocational Rehabilitation of* the Department of Labor and Employment Security shall be transferred to the *Division of Occupational Access and Opportunity of the Department of Education* ~~commission as provided in the plan,~~ pursuant to s. 20.06(2). *The commission and the Department of Education, in establishing the Division of Occupational Access and Opportunity, may establish no more than 700 positions inclusive of those positions leased by the corporation. These positions may be filled initially by former employees of the Division of Vocational Rehabilitation. By October 1, 2000, the division shall reduce the number of positions to no more than 300. Notwithstanding the provisions of s. 110.227, if a layoff becomes necessary with respect to the Division of Occupational Access and Opportunity, the competitive area identified for such layoff shall not include any other division of the Department of Education. If unforeseen transition activities occur in moving service delivery from division employees to community rehabilitation providers and create situations negatively affecting client services, and the remedy to those temporary situations would require more than 300 positions, the division may request a budget amendment to retain positions. The request must provide full justification for the continuation and include the number of positions and duration of time required. In no instance shall the time required exceed 3 months. Effective July 1, 2000, the records, property, and unexpended balances of appropriations, allocations, and other funds and resources of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security which support the activities and functions of the Division of Vocational Rehabilitation are transferred as provided in s. 20.06(2), to the Division of Occupational Access and Opportunity at the Department of Education.* The Department of Labor and Employment Security shall assist the commission in carrying out the intent of this chapter and achieving an orderly transition. The Office of Planning and Budget shall submit the necessary budget amendments to the Legislature in order to bring the budget into compliance with the plan.

Section 113. Effective upon this act becoming a law, section 413.91, Florida Statutes, is amended to read:

413.91 Service providers; quality assurance and fitness for responsibilities.—The Occupational Access and Opportunity Commission shall assure that *all contractors* ~~the designated administrative entity~~ and providers of direct service maintain an internal system of quality assurance, have proven functional systems, and are subject to a due-diligence inquiry for their fitness to undertake service responsibilities regardless of whether a contract for services is competitively or noncompetitively procured.

Section 114. Effective upon this act becoming a law, section 413.92, Florida Statutes, is amended to read:

413.92 Conflict of laws.—It is the intent of the Legislature that the provisions of this act relating to the Occupational Access and Opportunity Commission not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the division or the commission. Whenever such a conflict is asserted by the applicable agency of the Federal Government, *until October 1, 2000, the department, and after October 1, 2000, the* commission shall submit to the federal Department of Education, or other applicable federal agency, a request for a favorable policy interpretation of the conflicting portions. If the request is approved, as certified in writing by the secretary of the federal Department of Education, or the head of the other applicable federal agency, the commission or the division is authorized to make the adjustments in the plan which are necessary for achieving conformity to federal statutes and regulations. Before making such adjustments, the commission or the division shall provide to the President of the Senate and the Speaker of the House of Representatives an explanation and justification of the position of the division or the commission and shall outline all feasible alternatives that are consistent with this section. These alternatives may include the state supervision of local service agencies by the commission or the division if the agencies are designated by the Governor.

Section 115. *Effective upon this act becoming a law, section 413.93, Florida Statutes, is repealed.*

Section 116. Subsections (11) and (13) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(11) "Department" means the Department of *Insurance* ~~Labor and Employment Security~~.

(13) "Division" means the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 117. Subsection (1) of section 440.207, Florida Statutes, is amended to read:

440.207 Workers' compensation system guide.—

(1) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ shall educate all persons providing or receiving benefits pursuant to this chapter as to their rights and responsibilities under this chapter.

Section 118. Subsections (2), (4), (5), (6), (9), and (10); paragraph (c) of subsection (3); and paragraph (a) of subsection (8) of section 440.385, Florida Statutes, are amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. ~~With respect to initial appointments, the Secretary of Labor and Employment Security shall, by July 15, 1982, approve and appoint to the board persons who are experienced with self-insurance in this state and who are recommended by the individual self-insurers in this state required to become members of the association pursuant to the provisions of paragraph (1)(a). In the event the secretary finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the secretary shall request the directors thus far approved and appointed to recommend another person for appointment to the board.~~ Each director shall serve for a 4-year term and may be reappointed. Appointments ~~other than initial appointments~~ shall be made by the *Insurance Commissioner and Treasurer* ~~Secretary of Labor and Employment Security~~ upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.

(3) POWERS AND DUTIES.—

(c)1. To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the Department of *Insurance* ~~Labor and Employment Security~~, upon certification of the board of directors, shall levy assessments based on the annual normal premium each employer would have paid had the employer not been self-insured. Every assessment shall be made as a uniform percentage of the figure applicable to all individual self-insurers, provided that the assessment levied against any self-insurer in any one year shall not exceed 1 percent of the annual normal premium during the calendar year preceding the date of the assessment. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each employer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribu-

tion of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

2. If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

3. No state funds of any kind shall be allocated or paid to the association or any of its accounts except those state funds accruing to the association by and through the assignment of rights of an insolvent employer.

(4) INSOLVENCY FUND.—Upon the adoption of a plan of operation ~~or the adoption of rules by the Department of Labor and Employment Security~~ pursuant to subsection (5), there shall be created an Insolvency Fund to be managed by the association.

(a) The Insolvency Fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association and after the exhaustion of any bond, as required under this chapter. However, if such bond, surety, or reinsurance policy is payable to the Florida Self-Insurers Guaranty Association, the association shall commence to provide benefits out of the Insolvency Fund and be reimbursed from the bond, surety, or reinsurance policy. The method of operation of the Insolvency Fund shall be defined in the plan of operation as provided in subsection (5).

(b) The department shall have the authority to audit the financial soundness of the Insolvency Fund annually.

(c) The department may offer certain amendments to the plan of operation to the board of directors of the association for purposes of assuring the ongoing financial soundness of the Insolvency Fund and its ability to meet the obligations of this section.

(d) The department actuary may make certain recommendations to improve the orderly payment of claims.

(5) PLAN OF OPERATION.~~ By September 15, 1982,~~ The board of directors shall *use* ~~submit to the Department of Labor and Employment Security~~ a ~~proposed~~ plan of operation for the administration of the association and the Insolvency Fund.

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose.

~~(b) The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the department. If the board of directors fails to submit a plan by September 15, 1982, or fails to make required amendments to the plan within 30 days thereafter, the department shall promulgate such rules as are necessary to effectuate the provisions of this subsection. Such rules shall continue in force until modified by the department or superseded by a plan submitted by the board of directors and approved by the department.~~

(b)~~(c)~~ All member employers shall comply with the plan of operation.

(c)~~(d)~~ The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d)~~(c)~~ The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs *(c)1.* ~~(d)1.~~ and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

(6) POWERS AND DUTIES OF DEPARTMENT OF *INSURANCE* ~~LABOR AND EMPLOYMENT SECURITY~~.—

(a) The department shall:

1. Notify the association of the existence of an insolvent employer not later than 3 days after it receives notice of the determination of insolvency.

2. Upon request of the board of directors, provide the association with a statement of the annual normal premiums of each member employer.

(b) The department may:

1. Require that the association notify the member employers and any other interested parties of the determination of insolvency and of their rights under this section. Such notification shall be by mail at the last known address thereof when available; but, if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

2. Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this state. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed 5 percent of the unpaid assessment per month, except that no fine shall be less than $100 per month.

3. Revoke the designation of any servicing facility if the department finds that claims are being handled unsatisfactorily.

(8) PREVENTION OF INSOLVENCIES.—To aid in the detection and prevention of employer insolvencies:

(a) Upon determination by majority vote that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the Department of *Insurance* ~~Labor and Employment Security~~ of any information indicating such condition.

(9) EXAMINATION OF THE ASSOCIATION.—The association shall be subject to examination and regulation by the Department of *Insurance* ~~Labor and Employment Security~~. No later than March 30 of each year, the board of directors shall submit a financial report for the preceding calendar year in a form approved by the department.

(10) IMMUNITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member employer, the association or its agents or employees, the board of directors, or the Department of *Insurance* ~~Labor and Employment Security~~ or its representatives for any action taken by them in the performance of their powers and duties under this section.

Section 119. Subsection (6) of section 440.44, Florida Statutes, is amended to read:

440.44 Workers' compensation; staff organization.—

(6) SEAL.—The division, the judges of compensation claims, and the Chief Judge shall have a seal upon which shall be inscribed the words "State of Florida Department of *Insurance* ~~Labor and Employment~~ Security—Seal."

Section 120. Subsections (1) and (3) of section 440.4416, Florida Statutes, are amended to read:

440.4416 Workers' Compensation Oversight Board.—

(1) There is created within the Department of *Insurance* ~~Labor and Employment Security~~ the Workers' Compensation Oversight Board. The board shall be composed of the following members, each of whom has knowledge of, or experience with, the workers' compensation system:

(a) Six members selected by the Governor, none of whom shall be a member of the Legislature at the time of appointment, consisting of the following:

1. Two representatives of employers.

2. Four representatives of employees, one of whom must be a representative of an employee's union whose members are covered by workers' compensation pursuant to this chapter.

(b) Three members selected by the President of the Senate, none of whom shall be members of the Legislature at the time of appointment, consisting of:

1. A representative of employers who employs at least 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter, and who is a licensed general contractor actively engaged in the construction industry in this state.

2. A representative of employers who employs fewer than 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter.

3. A representative of employees.

(c) Three members selected by the Speaker of the House of Representatives, none of whom shall be members of the Legislature at the time of appointment, consisting of:

1. A representative of employers who employs fewer than 10 employees in Florida and who is a licensed general contractor actively engaged in the construction industry in this state for which workers' compensation coverage is provided pursuant to this chapter.

2. A representative of employers who employs at least 10 employees in Florida for which workers' compensation coverage is provided pursuant to this chapter.

3. A representative of employees.

(d) Additionally, the Insurance Commissioner ~~and the secretary of the Department of Labor and Employment Security~~ shall be *a* nonvoting ex officio *member* ~~members~~.

(e) The original appointments to the board shall be made on or before January 1, 1994. Vacancies in the membership of the board shall be filled in the same manner as the original appointments. Except as to ex officio members of the board, three appointees of the Governor, two appointees of the President of the Senate, and two appointees of the Speaker of the House of Representatives shall serve for terms of 2 years, and the remaining appointees shall serve for terms of 4 years. Thereafter, all members shall serve for terms of 4 years; except that a vacancy shall be filled by appointment for the remainder of the term. The board shall have an organizational meeting on or before March 1, 1994, the time and place of such meeting to be determined by the Governor.

(f) Each member is accountable to the Governor for proper performance of his or her duties as a member of the board. The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or for pleading guilty or nolo contendere to, or having been adjudicated guilty of, a first degree misdemeanor or a felony.

(g) A vacancy shall occur upon failure of a member to attend four consecutive meetings of the board or 50 percent of the meetings of the board during a 12-month period, unless the board by majority votes to excuse the absence of such member.

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part IV of chapter 110. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 110.

(b) In addition to per diem and travel expenses authorized by s. 112.061, board members shall receive compensation of $50 for each full day allocable to business of the board. The board shall promulgate procedures defining "business" for purposes of receiving compensation. Such procedures shall require each member to maintain time records and submit such records to the executive director on a monthly basis. Failure to timely file such monthly record shall extinguish the member's entitlement to compensation for the subject period. Travel outside this state shall be approved by the *Insurance Commissioner and Treasurer* ~~secretary of the department~~. Expenses associated with the administration of this section shall be appropriated and paid for from the trust fund created by s. 440.50.

Section 121. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1) There is hereby created the Office of the Judges of Compensation Claims within the Department of *Insurance* ~~Labor and Employment Security~~. The Office of the Judges of Compensation Claims shall be headed by a Chief Judge. The Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The Chief Judge must possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the Chief Judge shall be its agency head for all purposes. The Department of *Insurance* ~~Labor and Employment Security~~ shall provide administrative support and service to the office to the extent requested by the Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

Section 122. Paragraph (e) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(e) The Department of *Insurance* ~~Labor and Employment Security~~ or administrator shall report annually on the status of the Special Disability Trust Fund. The report shall update the estimated undiscounted and discounted fund liability, as determined by an independent actuary, change in the total number of notices of claim on file with the fund in addition to the number of newly filed notices of claim, change in the number of proofs of claim processed by the fund, the fee revenues refunded and revenues applied to pay down the liability of the fund, the average time required to reimburse accepted claims, and the average

administrative costs per claim. The department or administrator shall submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

Section 123. Effective October 1, 2000, section 215.311, Florida Statutes, is amended to read:

215.311 State funds; exceptions.—The provisions of s. 215.31 shall not apply to funds collected by and under the direction and supervision of the Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ as provided under ss. 413.011, 413.041, and 413.051; however, nothing in this section shall be construed to except from the provisions of s. 215.31 any appropriations made by the state to the division.

Section 124. Effective October 1, 2000, subsection (1) of section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of *Management Services* ~~Labor and Employment Security~~ is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

Section 125. Subsection (3) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. A general statement of the employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission or applicable court.

12. A statement notifying employees and job applicants of their right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

(b) An employer not having a drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. An employer having a drug-testing program in place prior to July 1, 1990, is not required to provide a 60-day notice period.

(c) An employer shall include notice of drug testing on vacancy announcements for positions for which drug testing is required. A notice of the employer's drug-testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations.

Section 126. Subsection (1) of section 440.125, Florida Statutes, is amended to read:

440.125 Medical records and reports; identifying information in employee medical bills; confidentiality.—

(1) Any medical records and medical reports of an injured employee and any information identifying an injured employee in medical bills which are provided to the Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ pursuant to s. 440.13 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by this chapter.

Section 127. Paragraph (a) of subsection (11) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(11) AUDITS BY DIVISION; JURISDICTION.—

(a) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may investigate health care providers to determine whether providers are complying with this chapter and with rules adopted by the division, whether the providers are engaging in overutilization, and whether providers are engaging in improper billing practices. If the division finds that a health care provider has improperly billed, overutilized, or failed to comply with division rules or the requirements of this chapter it must notify the provider of its findings and may determine that the health care provider may not receive payment from the carrier or may impose penalties as set forth in subsection (8) or other sections of this chapter. If the health care provider has received payment from a carrier for services that were improperly billed or for overutilization, it must return those payments to the carrier. The division may assess a penalty not to exceed $500 for each overpayment that is not refunded within 30 days after notification of overpayment by the division or carrier.

Section 128. Paragraph (f) of subsection (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(4)

(f) Each judge of compensation claims is required to submit a special report to the Chief Judge in each contested workers' compensation case

in which the case is not determined within 14 days of final hearing. Said form shall be provided by the Chief Judge and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. The Chief Judge shall compile these special reports into an annual public report to the Governor, the *Insurance Commissioner* ~~Secretary of Labor and Employment Security~~, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

(5)

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The division shall promulgate rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the division and the Office of the General Counsel, Department of *Insurance* ~~Labor and Employment Security~~, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the division, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the division to pay record costs and filing fees from the Workers' Compensation Trust Fund pending final disposition of the costs of appeal. The division may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the division for costs incurred in opposing the petition, including investigation and travel expenses.

Section 129. Section 440.525, Florida Statutes, is amended to read:

440.525 Examination of carriers.— ~~Beginning July 1, 1994,~~ The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ may examine each carrier as often as is warranted to ensure that carriers are fulfilling their obligations under the law, and shall examine each carrier not less frequently than once every 3 years. The examination must cover the preceding 3 fiscal years of the carrier's operations and must commence within 12 months after the end of the most recent fiscal year being covered by the examination. The examination may cover any period of the carrier's operations since the last previous examination.

Section 130. Subsections (1) and (2) of section 440.59, Florida Statutes, are amended to read:

440.59 Reporting requirements.—

(1) The Department of *Insurance* ~~Labor and Employment Security~~ shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

(2) The Division of Workers' Compensation of the Department of *Insurance* ~~Labor and Employment Security~~ shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.

Section 131. Effective January 1, 2001, subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the Department of *Management Services* ~~Labor and Employment Security~~ an Unemployment Appeals Commission, hereinafter referred to as the "commission." The commission shall consist of a chair and two other members to be appointed by the Governor, subject to confirmation by the Senate. Not more than one appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employers; and not more than one such appointee must be a person who, on account of previous vocation, employment, or affiliation, is classified as a representative of employees.

(a) The chair shall devote his or her entire time to commission duties and shall be responsible for the administrative functions of the commission.

(b) The chair shall have the authority to appoint a general counsel, *a chief appeals referee,* and such other personnel as may be necessary to carry out the duties and responsibilities of the commission.

(c) The chair shall have the qualifications required by law for a judge of the circuit court and shall not engage in any other business vocation or employment. Notwithstanding any other provisions of existing law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of $100 for each day they are engaged in the work of the commission. The chair and other members shall also be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

(5) The commission shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~ in the performance of its powers and duties under this chapter.

Section 132. *Effective January 1, 2001, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Unemployment Appeals Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Department of Management Services.*

Section 133. Effective January 1, 2001, subsections (12) and (15) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(12) COMMISSION.—"Commission" means the Unemployment Appeals Commission ~~of the Department of Labor and Employment Security~~.

(15) DIVISION.—"Division" means the Division of Unemployment Compensation of the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~.

Section 134. Effective January 1, 2001, paragraph (a) of subsection (4) and subsection (8) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(4) APPEALS.—

(a) Appeals referees.—The *commission* ~~division~~ shall appoint one or more impartial salaried appeals referees selected in accordance with s. 443.171(4) to hear and decide appealed or disputed claims. Such appeals referees shall have such qualifications as may be established by the Department of Management Services upon the advice and consent of the *commission* ~~division~~. No person shall participate on behalf of the *commission* ~~division~~ as an appeals referee in any case in which she or he is an interested party. The *commission* ~~division~~ may designate alternates to serve in the absence or disqualification of any appeals referee upon a temporary basis and pro hac vice which alternate shall be possessed of the same qualifications required of appeals referees. The *Department of Management Services* ~~division~~ shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(8) BILINGUAL REQUIREMENTS.—

(a) Based on the estimated total number of households in a county which speak the same non-English language, a single-language minority, the division shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The division shall ensure that *one-stop career centers* ~~jobs and benefits offices and appeals bureaus~~ in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages that translators are available in those offices and bureaus.

(c) Single-language minority refers to households which speak the same non-English language and which do not contain an adult fluent in English. The division shall develop estimates of the percentages of single-language minority households for each county by using data made available by the United States Bureau of the Census.

Section 135. Effective January 1, 2001, subsections (1), (5), and (7) of section 443.171, Florida Statutes, are amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(1) POWERS AND DUTIES OF DIVISION.—It shall be the duty of the division to administer this chapter; and it shall have power and authority to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. The division shall determine its own organization and methods of procedure in accordance with the provisions of this chapter. Not later than March 15 of each year, the division, through the *Agency for Workforce Innovation and in conjunction with the Unemployment Appeals Commission* ~~Department of Labor and Employment Security~~, shall submit to the Governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendment to this chapter as it deems proper.

(5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.—There is created a state Unemployment Compensation Advisory Council to assist the division in reviewing the unemployment insurance program and to recommend improvements for such program.

(a) The council shall consist of 18 members, including equal numbers of employer representatives and employee representatives who may fairly be regarded as representative because of their vocations, employments, or affiliations, and representatives of the general public.

(b) The members of the council shall be appointed by the *executive director* ~~secretary~~ of the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~. ~~Initially, the secretary shall appoint five members for terms of 4 years, five members for terms of 3 years, five members for terms of 2 years, and three members for terms of 1 year. Thereafter,~~ Members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules, but not less than twice a year. The council shall make a report of each meeting, which shall include a record of its discussions and recommendations. The division shall make such reports available to any interested person or group.

(d) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of such agency has determined that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity thus obtained from the employing unit or from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and exempt from the provisions of s. 119.07(1). Such information shall be available only to public employees in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~ in its administration of the qualified defense contractor tax refund program authorized by *s. 288.1045* ~~s. 288.104~~, the qualified target industry business tax refund program authorized by s. 288.106. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission or any employee of the division, or any other person receiving confidential information, who violates any provision of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies provided under this subsection shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 136. Effective January 1, 2001, subsections (1) and (2) of section 443.211, Florida Statutes, are amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund to be known as the "Employment Security Administration Trust Fund." All moneys that are deposited into this fund remain continuously available ~~to the division~~ for expenditure in accordance with the provisions of this chapter and do not lapse at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal

Government or any agency thereof or which are appropriated by this state for the purposes described in ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund shall consist of all moneys appropriated by this state; all moneys received from the United States or any agency thereof; all moneys received from any other source for such purpose; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in such fund; and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this chapter. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with the conditions specified in s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Such moneys must be secured by the depositary in which they are held to the same extent and in the same manner as required by the general depositary law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the division, *the commission,* or by a duly authorized agent and must be made by the Treasurer upon warrants issued by the Comptroller. Any balances in this fund do not lapse at any time and must remain continuously available ~~to the division~~ for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions, penalties, and fines or fees collected under this chapter. Interest on contributions, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of such calendar quarter and upon certification of the division, be transferred to the Special Employment Security Administration Trust Fund. However, there shall be withheld from any such transfer the amount certified by the division to be required under this chapter to pay refunds of interest on contributions, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund. Such amounts of interest and penalties so certified for transfer shall be deemed to have been erroneously deposited in the clearing account, and the transfer thereof to the Special Employment Security Administration Trust Fund shall be deemed to be a refund of such erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury. These moneys shall not be expended or be available for expenditure in any manner which would permit their substitution for, or permit a corresponding reduction in, federal funds which would, in the absence of these moneys, be available to finance expenditures for the administration of the Unemployment Compensation Law. But nothing in this section shall prevent these moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the Division of Unemployment Compensation, *the Unemployment Appeals Commission,* and the *Agency for Workforce Innovation* ~~Division of Jobs and Benefits~~ for the payment of costs of administration which are found not to have been properly and validly chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available ~~to the division~~ for expenditure in accordance with the provisions of this chapter and shall not lapse at any time. All payments from the Special Employment Security Administration Trust Fund shall be approved by the division or by a duly authorized agent thereof and shall be made by the Treasurer upon warrants issued by the Comptroller. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund, established by subsection (1), which have been found by the Bureau of Employment Security, or other authorized federal agency or authority, because of any action or contingency, to have been lost or improperly expended. The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

Section 137. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term *"department"* ~~"division"~~ means ~~the Division of Jobs and Benefits of~~ the *Bureau of Workplace Regulation of the Division of Workers' Compensation of the* Department of *Insurance* ~~Labor and Employment Security~~.

Section 138. Subsections (2), (3), and (4) of section 447.04, Florida Statutes, are amended to read:

447.04 Business agents; licenses, permits.—

(2)(a) Every person desiring to act as a business agent in this state shall, before doing so, obtain a license or permit by filing an application under oath therefor with ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~, accompanied by a fee of $25 and a full set of fingerprints of the applicant taken by a law enforcement agency qualified to take fingerprints. There shall accompany the application a statement signed by the president and the secretary of the labor organization for which he or she proposes to act as agent, showing his or her authority to do so. The *department* ~~division~~ shall hold such application on file for a period of 30 days, during which time any person may file objections to the issuing of such license or permit.

(b) The *department* ~~division~~ may also conduct an independent investigation of the applicant; and, if objections are filed, it may hold, or cause to be held, a hearing in accordance with the requirements of chapter 120. The objectors and the applicant shall be permitted to attend such hearing and present evidence.

(3) After the expiration of the 30-day period, regardless of whether or not any objections have been filed, the *department* ~~division~~ shall review the application, together with all information that it may have, including, but not limited to, any objections that may have been filed to such application, any information that may have been obtained pursuant to an independent investigation, and the results of any hearing on the application. If the *department* ~~division~~, from a review of the information, finds that the applicant is qualified, pursuant to the terms of this chapter, it shall issue such license or permit; and such license or permit shall run for the calendar year for which issued, unless sooner surrendered, suspended, or revoked.

(4) Licenses and permits shall expire at midnight, December 31, but may be renewed by the *department* ~~division~~ on a form prescribed by it; however, if any such license or permit has been surrendered, suspended, or revoked during the year, then such applicant must go through the same formalities as a new applicant.

Section 139. Section 447.041, Florida Statutes, is amended to read:

447.041 Hearings.—

(1) Any person or labor organization denied a license, permit, or registration shall be afforded the opportunity for a hearing by the *department* ~~division~~ in accordance with the requirements of chapter 120.

(2) The *department* ~~division~~ may, pursuant to the requirements of chapter 120, suspend or revoke the license or permit of any business agent or the registration of any labor organization for the violation of any provision of this chapter.

Section 140. Section 447.045, Florida Statutes, is amended to read:

447.045 Information confidential.—Neither the *department* ~~division~~ nor any investigator or employee of the *department* ~~division~~ shall divulge in any manner the information obtained pursuant to the processing of applicant fingerprint cards, and such information is confidential and exempt from the provisions of s. 119.07(1).

Section 141. Section 447.06, Florida Statutes, is amended to read:

447.06 Registration of labor organizations required.—

(1) Every labor organization operating in the state shall make a report under oath, in writing, to ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ annually, on or before December 31. Such report shall be filed by the secretary or business agent of such labor organization, shall be in such form as the *department prescribes* ~~division may prescribe~~, and shall show the following facts:

(a) The name of the labor organization;

(b) The location of its office; and

(c) The name and address of the president, secretary, treasurer, and business agent.

(2) At the time of filing such report, it shall be the duty of every such labor organization to pay the *department* ~~division~~ an annual fee therefor in the sum of $1.

Section 142. Section 447.12, Florida Statutes, is amended to read:

447.12 Fees for registration.—All fees collected by ~~the Division of Jobs and Benefits of~~ the department *under this part* ~~of Labor and Employment Security hereunder~~ shall be paid to the Treasurer and credited to the General Revenue Fund.

Section 143. Section 447.16, Florida Statutes, is amended to read:

447.16 Applicability of chapter ~~when effective~~.—Any labor business agent licensed on July 1, 1965, may renew such license each year on forms provided by ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ without submitting fingerprints so long as such license or permit has not expired or has not been surrendered, suspended, or revoked. The fingerprinting requirements of this act shall become effective for a new applicant for a labor business agent license immediately upon this act becoming a law.

Section 144. Paragraph (a) of subsection (13) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(13) "Professional employee" means:

(a) Any employee engaged in work *requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes and* in any two or more of the following categories:

1. Work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

2. Work involving the consistent exercise of discretion and judgment in its performance; *and*

3. Work of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.~~; and~~

~~4. Work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, an apprenticeship, or training in the performance of routine mental or physical processes.~~

Section 145. Effective October 1, 2000, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of *Management Services* ~~Labor and Employment Security~~ the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. ~~Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter,~~ Every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services* ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services* ~~Labor and Employment Security~~.

Section 146. Subsections (1) and (3) of section 447.208, Florida Statutes, are amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(1) Any person filing an appeal, *charge, or petition* pursuant to *subsection (6),* subsection (8), or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause or unless the basis for the appeal is an allegation of abuse or neglect under s. 415.1075, in which case the hearing by the Public Employees Relations Commission may not be held until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in s. 415.1075. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(3) With respect to *career service appeal* hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:

(a) Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.

(b) Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.

(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.

(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:

1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.

2. Action taken with respect to similar conduct by other employees.

3. The previous employment record and disciplinary record of the employee.

4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.

The agency may present evidence to refute the existence of these circumstances.

(e) Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.

Section 147. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the *Bureau of Workplace Regulation of the Division of Workers' Compensation* ~~Division of Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 148. Paragraph (b) of subsection (3) of section 447.307, Florida Statutes, is amended to read:

447.307 Certification of employee organization.—

(3)

(b) When an employee organization is selected by a majority of the employees voting in an election, the commission shall certify the employee organization as the exclusive collective bargaining representative of all employees in the unit. Certification is effective upon the issuance of the final order by the commission or, if the final order is appealed, at the time the appeal is exhausted or any stay is vacated by the commission or the court. *A party may petition the commission, pursuant to its established procedures, to modify an existing certification due to changed circumstances, an inadvertent mistake by the commission in the original bargaining unit description, or newly created or deleted jobs, or to recognize a name change of the employee organization.*

Section 149. Paragraph (a) of subsection (5) of section 447.503, Florida Statutes, is amended to read:

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the commission act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the commission in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(5) Whenever the proceeding involves a disputed issue of material fact and an evidentiary hearing is to be conducted:

(a) The commission shall issue and serve upon all parties a notice of hearing before an assigned hearing officer at a time and place specified therein. Such notice shall be issued at least 14 days prior to the scheduled hearing. *If a party fails to appear for the hearing, the hearing officer shall, after waiting a reasonable time, open the record, note the nonappearance, and close the hearing. Thereafter, the hearing may be reconvened only if the party establishes that the failure to appear was due to circumstances beyond his or her control.*

Section 150. Subsection (4) of section 447.504, Florida Statutes, is amended to read:

447.504 Judicial review.—

(4) The commencement of proceedings under this section shall not, unless specifically ordered by the district court of appeal, operate as a stay of the commission's order. *However, the commission may stay determination of the amount of back pay, benefits, or attorney's fees until the court decides the appeal.*

Section 151. *Effective October 1, 2000, all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Public Employees Relations Commission relating to the commission's specified authority, powers, duties, and responsibilities are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, to the Department of Management Services.*

Section 152. *Section 447.609, Florida Statutes, is repealed.*

Section 153. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) *"Department"* ~~"Division"~~ means the *Bureau of Workplace Regulation of the Division of Workers' Compensation* ~~Division of Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 154. Subsection (3) of section 450.061, Florida Statutes, is amended to read:

450.061 Hazardous occupations prohibited; exemptions.—

(3) No minor under 18 years of age, whether such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by ~~the Division of Jobs and Benefits of~~ the department ~~of Labor and Employment Security~~ to be hazardous and injurious to the life, health, safety, or welfare of such minor.

Section 155. Paragraph (c) of subsection (5) of section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(5) The provisions of subsections (1) through (4) shall not apply to:

(c) Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency. Such determination shall be made by the school superintendent or his or her designee, and a waiver of hours shall be issued to the minor and the employer. The form and contents thereof shall be prescribed by the *department* ~~division~~.

Section 156. Section 450.095, Florida Statutes, is amended to read:

450.095 Waivers.—In extenuating circumstances when it clearly appears to be in the best interest of the child, the *department* ~~division~~ may grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers shall be granted upon a case-by-case basis and shall be based upon such factors as the *department* ~~division~~, by rule, establishes as determinative of whether such waiver is in the best interest of a child.

Section 157. Subsections (1), (2), and (5) of section 450.121, Florida Statutes, are amended to read:

450.121 Enforcement of Child Labor Law.—

(1) The *department* ~~Division of Jobs and Benefits~~ shall administer this chapter. It shall employ such help as is necessary to effectuate the purposes of this chapter. Other agencies of the state may cooperate with

the *department* ~~division~~ in the administration and enforcement of this part. To accomplish this joint, cooperative effort, the *department* ~~division~~ may enter into intergovernmental agreements with other agencies of the state whereby the other agencies may assist the *department* ~~division~~ in the administration and enforcement of this part. Any action taken by an agency pursuant to an intergovernmental agreement entered into pursuant to this section shall be considered to have been taken by the *department* ~~division~~.

(2) It is the duty of the *department* ~~division~~ and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The *department* ~~division~~ and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with s. 232.17 shall report to the *department* ~~division~~ all violations of the Child Labor Law that may come to his or her knowledge.

(5) The *department* ~~division~~ may adopt rules:

(a) Defining words, phrases, or terms used in the child labor rule or in this part, as long as the word, phrase, or term is not a word, phrase, or term defined in s. 450.012.

(b) Prescribing additional documents that may be used to prove the age of a minor and the procedure to be followed before a person who claims his or her disability of nonage has been removed by a court of competent jurisdiction may be employed.

(c) Requiring certain safety equipment and a safe workplace environment for employees who are minors.

(d) Prescribing the deadlines applicable to a response to a request for records under subsection (2).

(e) Providing an official address from which child labor forms, rules, laws, and posters may be requested and prescribing the forms to be used in connection with this part.

Section 158. Subsections (1), (2), (3), (4), and (5) of section 450.132, Florida Statutes, are amended to read:

450.132 Employment of children by the entertainment industry; rules; procedures.—

(1) Children within the protection of our child labor statutes may, notwithstanding such statutes, be employed by the entertainment industry in the production of motion pictures, legitimate plays, television shows, still photography, recording, publicity, musical and live performances, circuses, and rodeos, in any work not determined by the *department* ~~Division of Jobs and Benefits~~ to be hazardous, or detrimental to their health, morals, education, or welfare.

(2) The *department* ~~Division of Jobs and Benefits~~ shall, as soon as convenient, and after such investigation as to the *department* ~~division~~ may seem necessary or advisable, determine what work in connection with the entertainment industry is not hazardous or detrimental to the health, morals, education, or welfare of minors within the purview and protection of our child labor laws. When so adopted, such rules shall have the force and effect of law in this state.

(3) Entertainment industry employers or agents wishing to qualify for the employment of minors in work not hazardous or detrimental to their health, morals, or education shall make application to the *department* ~~division~~ for a permit qualifying them to employ minors in the entertainment industry. The form and contents thereof shall be prescribed by the *department* ~~division~~.

(4) Any duly qualified entertainment industry employer may employ any minor. However, if any entertainment industry employer employing a minor causes, permits, or suffers such minor to be placed under conditions which are dangerous to the life or limb or injurious or detrimental to the health or morals or education of the minor, the right of that entertainment industry employer and its representatives and agents to employ minors as provided herein shall stand revoked, unless otherwise ordered by the *department* ~~division~~, and the person responsible for such unlawful employment is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any entertainment industry employer and its agents employing minors hereunder are required to notify the *department* ~~division~~, showing the date of the commencement of work, the number of days worked, the location of the work, and the date of termination.

Section 159. Subsections (2) and (3) of section 450.141, Florida Statutes, are amended to read:

450.141 Employing minor children in violation of law; penalties.—

(2) Any person, firm, corporation, or governmental agency, or agent thereof, that has employed minors in violation of this part, or any rule adopted pursuant thereto, may be subject by the *department* ~~division~~ to fines not to exceed $2,500 per offense. The *department* ~~division~~ shall adopt, by rule, disciplinary guidelines specifying a meaningful range of designated penalties based upon the severity and repetition of the offenses, and which distinguish minor violations from those which endanger a minor's health and safety.

(3) If the *department* ~~division~~ has reasonable grounds for believing there has been a violation of this part or any rule adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall include the provision or rule alleged to be violated, the facts alleged to constitute such violation, and requirements for remedial action within a time specified in the notice. No fine may be levied unless the person alleged to be in violation fails to take remedial action within the time specified in the notice.

Section 160. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the *regional workforce boards and one-stop career centers* ~~farm labor office of the Florida State Employment Service~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 161. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) *"Department"* ~~"Division"~~ means the *Bureau of Workplace Regulation of the* Division of *Workers' Compensation* ~~Jobs and Benefits~~ of the Department of *Insurance* ~~Labor and Employment Security~~.

Section 162. Section 450.30, Florida Statutes, is amended to read:

450.30 Requirement of certificate of registration; education and examination program.—

(1) No person may act as a farm labor contractor until a certificate of registration has been issued to him or her by the *department* ~~division~~ and unless such certificate is in full force and effect and is in his or her possession.

(2) No certificate of registration may be transferred or assigned.

(3) Unless sooner revoked, each certificate of registration, regardless of the date of issuance, shall be renewed on the last day of the birth month following the date of issuance and, thereafter, each year on the last day of the birth month of the registrant. The date of incorporation shall be used in lieu of birthdate for registrants that are corporations. Applications for certificates of registration and renewal thereof shall be on a form prescribed by the *department* ~~division~~.

(4) The *department* ~~division~~ shall provide a program of education and examination for applicants under this part. The program may be provided by the *department* ~~division~~ or through a contracted agent. The program shall be designed to ensure the competency of those persons to whom the *department* ~~division~~ issues certificates of registration.

(5) The *department* ~~division~~ shall require each applicant to demonstrate competence by a written or oral examination in the language of the applicant, evidencing that he or she is knowledgeable concerning the duties and responsibilities of a farm labor contractor. The examination shall be prepared, administered, and evaluated by the *department* ~~division~~ or through a contracted agent.

(6) The *department* ~~division~~ shall require an applicant for renewal of a certificate of registration to retake the examination only if:

(a) During the prior certification period, the division issued a final order assessing a civil monetary penalty or revoked or refused to renew or issue a certificate of registration; or

(b) The *department* ~~division~~ determines that new requirements related to the duties and responsibilities of a farm labor contractor necessitate a new examination.

(7) The *department* ~~division~~ shall charge each applicant a $35 fee for the education and examination program. Such fees shall be deposited in the Crew Chief Registration Trust Fund.

(8) The *department* ~~division~~ may adopt rules prescribing the procedures to be followed to register as a farm labor contractor.

Section 163. Subsections (1), (2), and (4) of section 450.31, Florida Statutes, are amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(1) The *department* ~~division~~ shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(a) Such person has executed a written application therefor in a form and pursuant to regulations prescribed by the *department* ~~division~~ and has submitted such information as the *department* ~~division~~ may prescribe.

(b) Such person has obtained and holds a valid federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, unless exempt by federal law.

(c) Such person pays to the *department* ~~division~~, in cash, certified check, or money order, a nonrefundable application fee of $75. Fees collected by the *department* ~~division~~ under this subsection shall be deposited in the State Treasury into the Crew Chief Registration Trust Fund, which is hereby created, and shall be utilized for administration of this part.

(d) Such person has successfully taken and passed the farm labor contractor examination.

(2) The *department* ~~division~~ may revoke, suspend, or refuse to renew any certificate of registration when it is shown that the farm labor contractor has:

(a) Violated or failed to comply with any provision of this part or the rules adopted pursuant to s. 450.36.

(b) Made any misrepresentation or false statement in his or her application for a certificate of registration.

(c) Given false or misleading information concerning terms, conditions, or existence of employment to persons who are recruited or hired to work on a farm.

(4) The *department* ~~division~~ may refuse to issue or renew, or may suspend or revoke, a certificate of registration if the applicant or holder is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate.

Section 164. Subsections (1), (4), (5), (6), (8), (9), and (10) of section 450.33, Florida Statutes, are amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(1) Carry his or her certificate of registration with him or her at all times and exhibit it to all persons with whom the farm labor contractor intends to deal in his or her capacity as a farm labor contractor prior to so dealing and, upon request, to persons designated by the *department* ~~division~~.

(4) Display prominently, at the site where the work is to be performed and on all vehicles used by the registrant for the transportation of employees, a single posting containing a written statement in English and in the language of the majority of the non-English-speaking employees disclosing the terms and conditions of employment in a form prescribed by the *department* ~~division~~ or by the United States Department of Labor for this purpose.

(5) Take out a policy of insurance with any insurance carrier which policy insures such registrant against liability for damage to persons or property arising out of the operation or ownership of any vehicle or vehicles for the transportation of individuals in connection with his or her business, activities, or operations as a farm labor contractor. In no event may the amount of such liability insurance be less than that required by the provisions of the financial responsibility law of this state. Any insurance carrier that is licensed to operate in this state and that has issued a policy of liability insurance to operate a vehicle used to transport farm workers shall notify the *department* ~~division~~ when it intends to cancel such policy.

(6) Maintain such records as may be designated by the *department* ~~division~~.

(8) File, within such time as the *department* ~~division~~ may prescribe, a set of his or her fingerprints.

(9) Produce evidence to the *department* ~~division~~ that each vehicle he or she uses for the transportation of employees complies with the requirements and specifications established in chapter 316, s. 316.620, or Pub. L. No. 93-518 as amended by Pub. L. No. 97-470 meeting Department of Transportation requirements or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.

(10) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, unemployment compensation, child labor, and transportation. The *department* ~~division~~ shall not suspend or revoke a certificate of registration pursuant to this subsection unless:

(a) A court or agency of competent jurisdiction renders a judgment or other final decision that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted;

(b) An administrative hearing pursuant to ss. 120.569 and 120.57 is held on the suspension or revocation and the administrative law judge finds that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted; or

(c) The holder of a certificate of registration stipulates that a violation has occurred or defaults in the administrative proceedings brought to suspend or revoke his or her registration.

Section 165. Section 450.35, Florida Statutes, is amended to read:

450.35 Certain contracts prohibited.—It is unlawful for any person to contract for the employment of farm workers with any farm labor contractor as defined in this act until the labor contractor displays to him or her a current certificate of registration issued by the *department* ~~division~~ pursuant to the requirements of this part.

Section 166. Section 450.36, Florida Statutes, is amended to read:

450.36 Rules and regulations.—The *department* ~~division~~ may adopt rules necessary to enforce and administer this part.

Section 167. Section 450.37, Florida Statutes, is amended to read:

450.37 Cooperation with federal agencies.—The *department* ~~division~~ shall, whenever appropriate, cooperate with any federal agency.

Section 168. Subsections (2), (3), and (4) of section 450.38, Florida Statutes, are amended to read:

450.38 Enforcement of farm labor contractor laws.—

(2) Any person who, on or after June 19, 1985, commits a violation of this part or of any rule adopted thereunder may be assessed a civil penalty of not more than $1,000 for each such violation. Such assessed penalties shall be paid in cash, certified check, or money order and shall be deposited into the General Revenue Fund. The *department* ~~division~~ shall not institute or maintain any administrative proceeding to assess a civil penalty under this subsection when the violation is the subject of a criminal indictment or information under this section which results in a criminal penalty being imposed, or of a criminal, civil, or administrative proceeding by the United States government or an agency thereof which results in a criminal or civil penalty being imposed. The *department* ~~division~~ may adopt rules prescribing the criteria to be used to determine the amount of the civil penalty and to provide notification to persons assessed a civil penalty under this section.

(3) Upon a complaint of the *department* ~~division~~ being filed in the circuit court of the county in which the farm labor contractor may be doing business, any farm labor contractor who fails to obtain a certificate of registration as required by this part may, in addition to such penalties, be enjoined from engaging in any activity which requires the farm labor contractor to possess a certificate of registration.

(4) For the purpose of any investigation or proceeding conducted by the *department* ~~division~~, the secretary of the department or the secretary's designee shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The secretary of the department or the secretary's designee shall exercise this power on the secretary's own initiative.

Section 169. *(1) In anticipation of its assumption of responsibilities from the Department of Labor and Employment Security relating to unemployment compensation, as provided in this act, the Department of Revenue shall prepare a report with recommendations on the fiscal management of funds under the Unemployment Compensation Trust Fund and any other funds related to unemployment compensation activities conducted under state or federal law. The report shall include, but is not limited to, an analysis of options and recommendations for distributing unemployment compensation funds to units of state government with responsibilities under the unemployment compensation program and for allocating costs associated with such program and funds. The report and recommendations shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and members of the Labor and Employment Security Transition Team by September 1, 2000.*

(2) The Department of Revenue shall conduct a feasibility study regarding the privatization of unemployment tax collection services or other functions of the state related to unemployment compensation activities conducted under state or federal law. The study findings and recommendations shall be submitted in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2001.

(3) This section shall take effect upon this act becoming a law.

Section 170. *(1) The Department of Labor and Employment Security, in conjunction with the Department of Management Services, may offer, subject to the provisions of this section, active employees of the Department of Labor and Employment Security who have 27 or more years of creditable service in a state-administered retirement system, a one-time voluntary reduction-in-force payment. Such payment shall represent a payment of insurance costs and shall be paid as an annuity to be purchased by the Department of Labor and Employment Security within the amounts appropriated for salary and benefits in the General Appropriations Act for fiscal year 2000-2001, which shall include funds derived from eliminating vacated positions. There shall be no annualization costs associated with this plan. The Secretary of Labor and Employment Security shall be deemed to be the public employer for purposes of negotiating the terms and conditions related to the reduction-in-force payments authorized by this section. All persons retiring under this program must do so by September 30, 2000.*

(2) The department, in consultation with the Department of Management Services, shall prepare a plan to implement the reduction-in-force payment authority for approval by the Office of Policy and Budget. The plan must meet all applicable federal requirements regarding the expenditure of federal funds; all applicable federal tax laws; and all other federal and state laws regarding special compensation to employees, including the Age Discrimination in Employment Act and the Older Workers' Benefit Protection Act. The plan must specify the savings created through the payment mechanism and the reduction-in-force, specify the source of funding of the payments, and delineate a timetable for implementation.

(3) If approved by the Office of Policy and Budget, the plan shall be submitted to the Legislature subject to the notice, review, and objection process authorized in section 216.177, Florida Statutes.

(4) This section shall take effect upon this act becoming a law.

Section 171. *Notwithstanding any other provision of law, any binding contract or interagency agreement existing on or before January 1, 2001, between the Department of Labor and Employment Security, or an entity or agent of the department, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

Section 172. *This act does not affect the validity of any judicial or administrative proceeding involving the Department of Labor and Employment Security which is pending as of the effective date of any transfer under this act. The successor department, agency, or entity responsible for the program, activity, or function relative to the proceeding shall be substituted, as of the effective date of the applicable transfer under this act, for the Department of Labor and Employment Security as a party in interest in any such proceedings.*

Section 173. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 174. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2000, except that this act shall not take effect unless Committee Substitute for Senate Bill 2050, or similar legislation reassigning responsibilities of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security to another agency or entity, becomes a law.

And the title is amended as follows:

On page 14, lines 1 and 2, delete those lines and insert: Development Trust Fund; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; providing exceptions relating to hiring and salary requirements; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; providing an exception; providing for transfer of unemployment appeals referees to the Unemployment Appeals Commission; requiring a contract for the Department of Revenue to provide unemployment tax administration and collection services; providing for transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for

Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending ss. 215.311, 413.091, 440.102, 440.125, 440.13, 440.25, 440.525, and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Management Services and the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain

notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Agency for Workforce Innovation; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; repealing s. 447.609, F.S., relating to representation in certain public employee proceedings; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; providing terms and conditions relating to such payments; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2548** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 2566**, **CS for CS for SB 2324** and **CS for SB 238** was deferred.

SENATOR MCKAY PRESIDING

On motion by Senator Horne—

CS for CS for CS for SB 1338—A bill to be entitled An act relating to communications services; creating ch. 202, F.S., the Communications Services Tax Simplification Law; providing definitions; providing for taxation of the sale of communications services, effective January 1, 2002; providing for imposition of the tax on the sales price of communications services, the cost of operating a substitute communications system, and the sales price of direct-to-home satellite service; providing for computation of tax rates by the Revenue Estimating Conference and for approval by the Legislature; providing for collection and remittance of the taxes on communications services imposed by chapters 202 and 203, F.S., on a combined basis; providing a limitation on such taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing exemptions for certain sales to residential households, to governmental entities, and to certain religious or educational organizations; providing legislative intent with respect to future findings of invalidity, exemptions, and local government franchise fees; providing for credits for taxes paid in other jurisdictions; providing special provisions for users of substitute communications systems; providing for payment and collection of the taxes on communications; providing for sales for resale; providing requirements for registration of dealers of communications services; providing penalties; providing for fees; providing for annual resale certificates; providing procedures for revocation of registration; providing for disposition of the proceeds of the taxes on communications services; authorizing counties and municipalities to levy a discretionary local communications services tax; providing intent regarding tax rates; providing for imposition of a discretionary sales surtax levied by a county or school board under s. 212.055, F.S., as a local communications services tax; providing for application of local taxes to substitute communications systems; providing a limitation on local taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing for use of tax revenues; providing for credit against local taxes for fees required under a franchise agreement; providing for computation by the Revenue Estimating Conference of the initial and maximum rates for local taxes and providing for approval by the Legislature; providing for effectiveness of the initial rates and for increase by emergency ordinance under certain conditions; requiring providers of communications services and local taxing jurisdictions to furnish information; providing for determination by the Revenue Estimating Conference of a rate conversion factor for counties and school boards that levy a discretionary sales surtax and providing for approval by the Legislature; providing for certain automatic rate reductions; providing for effective dates and notification with respect to adoption, repeal, or rate changes of local taxes; providing procedures and requirements for determination of the local taxing jurisdiction in which a service address is located; providing for creation of an electronic database by the Department of Revenue; providing for certification of databases by the department; providing effect on dealers who do not use the specified methods for such determination; providing procedures and requirements for refunds or credits of communications services taxes; specifying that the authority of public bodies to require taxes or other impositions from dealers of communications services for occupying roads and rights-of-way is preempted by the state; prohibiting public bodies from levying specified taxes and other charges; providing for jurisdiction for suits against dealers; providing for dealers not qualified to do business in this state; specifying powers of the department; providing for rules; providing requirements for the filing of returns and payment of taxes; providing penalties; providing for rules for self-accrual; providing for a dealer's credit; providing penalties for failure to file returns or for filing false or fraudulent returns; providing for credits or refunds for bad debts; requiring certain dealers to remit taxes by electronic funds transfer and make returns through an electronic data interchange; providing for payment of taxes upon sale or quitting of business; providing for notice to certain persons regarding a dealer's delinquency and providing such persons' duties; providing a penalty; providing for cooperation of state and local agencies; providing that taxes collected become government funds; providing penalties for the theft of government funds; providing department powers regarding warrants, tax executions, and writs of garnishment; providing recordkeeping requirements for dealers; providing a penalty; authorizing sampling by the department; providing for examination of records; providing for audits; providing for assessment of interest and penalties; providing powers of the department to assess from estimates; requiring that taxes be separately stated; prohibiting certain advertising or refunds by dealers; providing a penalty; providing department powers with respect to hearings, cash deposits or bonds, and subpoenas; providing for venue; providing special rules for the administration of local taxes; providing for an advisory committee to advise the executive director of the department regarding implementation of communications services taxes; amending s. 72.011, F.S.; authorizing taxpayers to contest assessments or denials of refund under ch. 202, F.S., in circuit court or pursuant to the Administrative Procedure Act; amending s. 213.05, F.S.; including ch. 202, F.S., within the revenue laws for which the department has responsibility; amending s. 212.20, F.S.; providing for distribution of portions of the communications services tax; amending s. 166.231, F.S.; providing that the exemption from the municipal public service tax for telecommunications services for resale includes resale by way of a prepaid calling arrangement; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; repealing s. 166.231(9), F.S., which provides for

levy of the municipal public service tax on telecommunication services, effective January 1, 2002; conforming language; amending s. 166.233, F.S.; conforming language; amending s. 203.01, F.S.; providing that the exemption from the gross receipts tax for telecommunication services for resale includes resale by way of a prepaid calling arrangement; providing for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; providing for computation of the tax rate by the Revenue Estimating Conference and for approval by the Legislature; amending s. 203.012, F.S.; removing and revising definitions relating to the gross receipts tax, to conform; repealing s. 203.013, F.S., which provides for payment of the gross receipts tax on interstate private communications services, and ss. 203.60, 203.61, 203.62, and 203.63, F.S., which provide for payment of the gross receipts tax on other interstate and international telecommunication services, to conform; amending s. 212.05, F.S.; providing that the sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property under ch. 212, F.S.; providing that the sale of telecommunication services to a person who furnishes such services pursuant to such an arrangement is a sale for resale; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; removing the imposition of tax under ch. 212, F.S., on telecommunication service, telegraph messages, long distance telephone calls, and television system program service, effective January 1, 2002; amending s. 212.054, F.S.; providing that charges for prepaid calling arrangements are subject to discretionary sales surtaxes; conforming language; amending s. 337.401, F.S.; providing requirements with respect to the authority of counties and municipalities to regulate the placement of telecommunications facilities in the public roads or rights-of-way; requiring certain notice to the Secretary of State; revising such requirements, effective January 1, 2002, and providing for application to providers of communications services; requiring municipalities and charter counties and noncharter counties to choose whether or not to impose permit fees on such providers and providing requirements with respect to such fees; providing effect of such choice on the rate of the local communications services tax under ch. 202, F.S., for the local government; providing that the authority of municipalities and counties to require franchise fees from such providers is preempted by the state; authorizing municipalities and counties to request certain in-kind requirements, institutional networks, and contributions from cable service providers; providing for a legislative study with respect to state policy regarding such in-kind requirements and contributions; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for streets or rights-of-way and improvements located thereon used by a utility or cable television company; including such exemption within provisions relating to leases involving multiple use of property; providing status of revenues received under the act with respect to taxes or fees previously imposed and bonded indebtedness; providing appropriations and authorizing positions; repealing the following, effective June 30, 2001: ss. 202.10, 202.11, 202.20, 202.26, and 202.37, F.S., and ss. 3-11, 13-17, and 19-28 of the act, which constitute the creation of ch. 202, F.S., effective January 1, 2002, to provide for the taxation of the sale of communications services; ss. 33-35 of the act, which amend ss. 72.011, 213.05, and 212.20, F.S., to provide related administrative provisions effective January 1, 2002; ss. 38 and 39 of the act, which repeal s. 166.231(9), F.S., and amend ss. 166.231 and 166.233, F.S., to remove levy of the municipal public service tax on telecommunication services effective January 1, 2002; ss. 41-43 of the act, which amend ss. 203.01 and 203.012, F.S., and repeal ss. 203.013 and 203.60-203.63, F.S., to provide for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; ss. 48 and 49 of the act, which amend ss. 212.05 and 212.054, F.S., to remove the imposition of tax under ch. 212, F.S., on telecommunication service effective January 1, 2002; s. 51 of the act, which amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, effective January 1, 2002; and ss. 54 and 55 of the act, which provide for application of amendments made by the act; abolishing, on June 30, 2001, an advisory committee appointed pursuant to the act; amending s. 337.401, F.S., effective June 30, 2001, to remove amendments made by the act which take effect January 1, 2001; providing effective dates.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1 (460050)—On page 1, lines 6 and 7; on page 5, lines 20, 21, and 28; on page 6, lines 23 and 24; on page 7, line 3; on page 8, lines 6, 11, 15, 16, 20, 25, and 31; on page 15, line 13; on page 18, line 10; on page 19, line 10; on page 20, lines 8, 18, and 26; on page 22, line 16; on page 25, line 1; on page 27, line 6; on page 37, line 16; on page 38, line 3; on page 39, line 8; on page 45, line 27; on page 51, line 26; on page 55, line 8; on page 57, line 7; on page 59, line 18; on page 62, lines 3 and 20; on page 64, line 5; on page 67, lines 7 and 15; on page 69, line 11; on page 72, line 15; on page 74, line 13; on page 85, lines 1 and 26; on page 87, line 1; on page 91, line 1; on page 93, line 1; on page 96, line 1; on page 103, line 3; on page 107, line 22; on page 115, line 8; on page 119, line 25; on page 125, line 4; on page 127, line 2; on page 133, line 5; on page 136, line 9; on page 138, line 7; and on page 152, line 16, delete "*January 1, 2002*," and insert: *October 1, 2001*

Amendment 2 (172148)—On page 32, lines 12-24, delete those lines and insert: *October 1, 2001, without any action being taken by the governing authority or voters of such local taxing jurisdictions. The rate computed and approved pursuant to this subsection shall be reduced on October 1, 2002, by that portion of the rate which was necessary to recoup the 1 month of foregone revenues addressed in subparagraph (a)2.*

(c) With respect to any local taxing jurisdiction, if, for the periods ending December 31, 2001, March 31, 2002, June 30, 2002, or September 30, 2002, the revenues received by that local government from the local communications services tax imposed under s. 202.19(1) are less than the revenues received from the replaced revenue sources for the corresponding 2000-2001 period; plus reasonably

Amendment 3 (960902)—On page 125, line 3; on page 127, line 1; on page 136, line 8; and on page 138, line 6, delete "*October 1, 2001*" and insert: *July 1, 2001*

Amendment 4 (624238)—On page 152, lines 21-23, delete those lines and insert:

Section 57. *The sum of $3,583,441 is appropriated in fiscal year 2000-2001 from the General Revenue Fund to the Department of Revenue and 32 full-time equivalent positions*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1338** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for CS for SB 1334—A bill to be entitled An act relating to information technology; requiring facilitation of a Network Access Point by the State Technology Office; requiring Enterprise Florida, Inc., to create and implement a marketing and image campaign; requiring development and maintenance of a website for information and technology industry marketing and workforce recruitment; requiring a study group to explore the use of state employee pension funds for venture capital support; expressing support of activities to enhance information technology, including a Network Access Point; amending s. 212.08, F.S.; providing a sales tax exemption on certain equipment used to deploy broadband technologies associated with a Network Access Point; requiring a study by the Legislature to identify obstacles related to the affordable access to consumers by Internet service providers; requiring a plan for the establishment of information technology incubators in the state; prescribing incubator components; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (101366)(with title amendment)—On page 8, between lines 10 and 11, insert:

Section 10. *The sum of $700,000 from non-recurring General Revenue is appropriated for fiscal year 2000-2001 to the State Technology Office to carry out the requirements of this act. Of this appropriation, the Governor shall reserve $100,000 to implement plans developed under this act. The remaining $600,000 is to be used to reimburse eligible companies for sales tax payments made on equipment specifically associated with creation of a network access point. The State Technology Office is authorized to adopt rules to implement the sales tax refund provisions of this act.*

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: providing an appropriation; authorizing the State Technology Office to adopt rules;

Senator Casas offered the following amendment which was moved by Senator Klein and adopted:

Amendment 2 (661792)(with title amendment)—On page 4, lines 19-30, delete those lines and insert:

Section 6. *A limitation on development within a development order issued under chapter 380 does not preclude the granting of any local government development approval or development permit for a Network Access Point (NAP), a carrier-neutral public-private Internet traffic exchange point, if:*

(a) The NAP is proposed within a community redevelopment area established pursuant to the Community Redevelopment Act of 1969;

(b) The proposed NAP is consistent with the applicable local government comprehensive plan; and

(c) The NAP is permissible under the local government land development regulations.

And the title is amended as follows:

On page 1, lines 12-14, delete those lines and insert: support; providing that certain limitations expressed in development orders do not preclude the approval of a Network Access Point (NAP), if the NAP satisfies specified conditions; amending s. 212.08, F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 1334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for CS for CS for SB 806—A bill to be entitled An act relating to aquaculture; amending s. 253.002, F.S.; providing duties of the Department of Agriculture and Consumer Services with respect to certain state lands; amending s. 253.01, F.S.; providing for disposition of fees for aquaculture leases; amending s. 253.67, F.S.; revising definitions; amending s. 253.71, F.S.; revising aquaculture lease contract fee and performance requirements; amending s. 253.72, F.S.; providing requirements for the marking of leased areas; amending s. 253.75, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to request comments by the Fish and Wildlife Conservation Commission regarding certain submerged land leases; amending s. 270.22, F.S.; conforming disposition of rental fees for aquaculture leases; amending s. 328.76, F.S.; providing for use of certain commercial vessel registration fees for aquaculture law enforcement and quality control programs; amending s. 370.06, F.S.; deleting authority of the Department of Agriculture and Consumer Services to issue certain special activity licenses under ch. 370, F.S.; clarifying requirements relating to the educational seminar for applicants for an Apalachicola Bay oyster harvesting license; amending s. 370.07, F.S.; providing for the distribution of funds from the Florida Saltwater Products Promotional Trust Fund; providing for transfer of responsibilities relating to the Apalachicola Bay oyster surcharge from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 370.16, F.S.; revising regulation of noncultured shellfish harvesting; providing for protection of shellfish and aquaculture products; repealing s. 370.16(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), (16), (17), (19), (22), (24), (25), (26), and (27), F.S., relating to regulation and enforcement of oyster and shellfish leases by the Department of Environmental Protection, protection and development of oyster and shellfish resources, and regulation of processing for commercial use; amending ss. 370.161 and 372.071, F.S.; conforming cross-references; amending s. 372.6673, F.S.; requiring collection of a marketing assessment fee for alligator products marketing and education; amending s. 372.6674, F.S.; requiring collection of a marketing and assessment fee; amending s. 373.046, F.S.; revising regulatory responsibility under pt. IV of ch. 373, F.S., for aquacultural activities; amending ss. 403.814, 409.2598, and 500.03, F.S.; conforming cross-references; amending ss. 570.18 and 570.29, F.S.; conforming provisions relating to organization of the Department of Agriculture and Consumer Services; creating s. 570.61, F.S.; providing powers and duties of the Division of Aquaculture of the Department of Agriculture and Consumer Services; creating s. 570.62, F.S.; providing for appointment and duties of a division director; repealing s. 370.26(3)-(5), F.S., and amending s. 597.003, F.S.; requiring a portion of profits from aquaculture contracts to be set aside for funding certain aquaculture projects; amending s. 370.26, F.S.; transferring certain responsibilities relating to aquaculture development from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificates of registration; amending s. 597.0041, F.S.; providing an administrative fine; providing penalties; amending s. 597.005, F.S.; requiring review of aquaculture legislative budget requests by the Aquaculture Review Council; amending s. 597.006, F.S.; revising membership of the Aquaculture Interagency Coordinating Council; creating s. 597.010, F.S.; providing for regulation and enforcement of shellfish leases by the Department of Agriculture and Consumer Services; providing for continuation of leases previously issued under ch. 370, F.S.; providing for rental fees, fee adjustments, late fees, and forfeiture for nonpayment of fees; providing a lease surcharge for certain purposes; providing for rules; providing cultivation requirements for leased lands; restricting the inheriting or transfer of leases; requiring a deposit for investigations relating to petitions for cancellation of leases to natural reefs; providing for inclusion of natural reefs in leased areas under certain circumstances; restricting leases available in Franklin County; providing prohibitions; providing for shellfish protection and development; providing for special activity licenses for harvest or cultivation of oysters, clams, mussels, and crabs; providing for uncultured shellfish harvesting seasons in Apalachicola Bay; restricting harvest of shellfish by mechanical means; providing a penalty; providing for enhancement of oyster and clam industries by the counties; prohibiting dredging of dead shells; providing for cooperation with the United States Fish and Wildlife Service; providing requirements for vessels harvesting, gathering, or transporting oysters or clams for commercial purposes; providing a definition; renumbering and amending s. 370.071, F.S.; providing that regulation of shellfish processors includes processors processing scallops; providing for a fee for licensure or certification of processing facilities; authorizing an administrative fine for violation of rules relating to regulation of shellfish processors; amending s. 190.003, F.S.; including the owner of a long-term ground lease from a governmental entity within the definition of a "landowner"; amending s. 190.005, F.S.; providing that the establishment of a community development district must contain the consent of all landowners whose lands are to be included in the district; amending s. 190.021, F.S.; providing that certain ad valorem taxes and non-ad valorem assessments on property of a governmental entity are not a lien on the entity's underlying fee interest; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (265044)(with title amendment)—On page 57, between lines 15 and 16, insert:

Section 35. *Notwithstanding any other law, the Legislature intends that this act represent its full and total intent with respect to legislation dealing with the same subject matter as this act at the same legislative session.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, following the semicolon (;) insert: declaring legislative intent;

Senator Dyer moved the following amendment which was adopted:

Amendment 2 (820904)(with title amendment)—On page 57, between lines 15 and 16, insert:

Section 35. Subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special

powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d)1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f)~~(e)~~ Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(g)~~(f)~~ Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 380.061 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, after the semicolon (;) insert: amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances;

Pursuant to Rule 4.19, **CS for CS for CS for SB 806** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 320—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; providing that it is an additional defense to the offense of interference with custody to be a victim of domestic violence or believe that interference with custody is necessary to protect a person from domestic violence; prescribing duties of any person who takes a minor child when fleeing from situations of actual or threatened domestic violence; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 320** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 318—A bill to be entitled An act relating to public records; amending s. 787.03, F.S.; providing an exemption from public records requirements for information provided to sheriffs and state attorneys by persons who take minor children when fleeing from domestic violence; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 318** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 964—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; amending ss. 290.00691, 290.00692, F.S.; exempting certain enterprise zones in Columbia County and Suwannee County from a requirement that the areas suffer from pervasive poverty, unemployment, and general distress; providing that businesses located in such enterprise zones may claim certain tax credits for hiring persons within the jurisdictions of the counties; revising qualifications for businesses in such zones to claim certain maximum tax exemptions or credits; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing an effective date.

—was read the second time by title.

Senator McKay offered the following amendment which was moved by Senator Kirkpatrick:

Amendment 1 (562616)(with title amendment)—On page 2, line 24, insert:

Section 1. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.~~—Before December 31, 1999,~~ Any municipality an area of which has previously received designation as an Enterprise Zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 290.00555, F.S.; extending a deadline for the creation of a satellite enterprise zone by certain municipalities;

Senator McKay offered the following amendment to **Amendment 1** which was moved by Senator Kirkpatrick and adopted:

Amendment 1A (970172)—On page 1, line 14, delete "2" and insert: 1

Amendment 1 as amended was adopted.

Senator McKay offered the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 2 (165524)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Manatee County.—Manatee County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Manatee County. The application must be submitted by December 31,

2000, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Manatee County; providing requirements with respect thereto;

Senator Clary moved the following amendment which was adopted:

Amendment 3 (334708)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. Section 290.00697, Florida Statutes, is created to read:

290.00697 Enterprise zone designation for Okaloosa County.—Okaloosa County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Okaloosa County. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 4 (464164)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area starting north of the City of Brooksville with properties within the Gregg Mine Industrial Park; those lands located on the east side of Cobb Road south of Yontz Road to the intersection of Jefferson Street and State Road 50; lands adjacent to the State Road 50 Bypass east to the intersection of Jefferson Street and State Road 50 in the southeast area of the City of Brooksville; those lands encompassing the areas north and south of Summit Road from Hale Avenue to the west, east to Jefferson Street; lands adjacent to U.S. Route 41 from the State Road 50 Bypass south to the proposed Ayers Road Extension; those lands encompassing the Hernando County Airport east of U.S. Route 41 west to the Suncoast Parkway with Spring Hill Drive and Powell Road to the north including portions along Spring Hill Drive east and west of the intersection with California Street; and those lands adjacent to Anderson Snow Road and Corporate Boulevard known as Holland Springs Industrial Park. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, following the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the office to designate an enterprise zone within a described area of Hernando County or Hernando County and the City of Brooksville jointly;

Senator Clary moved the following amendments which were adopted:

Amendment 5 (790988)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. Section 290.00696, Florida Statutes, is created to read:

290.00696 Enterprise zone designation for Holmes County.—Holmes County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Holmes County. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto;

Amendment 6 (315240)(with title amendment)—On page 5, between lines 26 and 27, insert:

Section 5. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Calhoun County.—Calhoun County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Calhoun County. The application must be submitted by December 31, 2000, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto;

Pursuant to Rule 4.19, **CS for SB 964** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for CS for CS for SB 406—A bill to be entitled An act relating to community development; creating the Community and Faith-based Organizations initiative within the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing for the initiative to promote community development through partnerships with community and faith-based organizations; specifying the activities to be conducted by the initiative; providing for financial assistance to community and faith-based organizations; requiring the development of

grant-selection criteria; requiring leveraging of funds; creating the Community and Library Technology Access Partnership; specifying the activities to be conducted by the partnership; requiring the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to administer the initiative and the Division of Library and Information Services of the Department of State to administer the Community and Library Technology Access Partnership; authorizing certain activities and uses of funds; prescribing eligibility of organizations for funding or assistance; requiring review and evaluation; providing appropriations; creating a community computer-access grant program, to be known as the Community High-Technology Investment Partnership, or "CHIP," program; providing legislative intent; providing purposes of the program; providing for grants to be awarded to eligible neighborhood facilities; providing for the Division of Libraries and Information Services of the Department of State to administer the grant program; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the division and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the division to contract with the Institute on Urban Policy and Commerce for program administration; authorizing the institute to subcontract for specified assistance services; creating an inner city redevelopment assistance grants program; providing duties of the Office of Tourism, Trade, and Economic Development; prescribing eligibility requirements for grants; providing expected outcomes from grants; creating the Inner City Redevelopment Review Panel and providing its membership and duties; providing legislative findings; amending s. 14.2015, F.S.; directing the Office of Urban Opportunity to give priority to projects receiving certain federal grants; amending s. 163.2523, F.S.; providing allocation criteria for the Urban Infill and Redevelopment Grant Program; amending s. 420.5087, F.S.; providing allocation criteria for the State Apartment Incentive Loan Program; amending s. 420.5089, F.S.; providing allocation criteria for the HOME Investment Partnership Program; amending s. 420.5093, F.S.; giving priority to certain projects in the State Housing Tax Credit Program; amending s. 420.5099, F.S.; giving priority to certain projects in the allocation of low-income housing tax credits; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendments which were adopted:

Amendment 1 (932472)(with title amendment)—On page 15, line 23 through page 19, line 27, delete those lines and insert:

(2) Subject to legislative appropriation, there is created the Community High-Technology Investment Partnership (CHIP) program to assist distressed urban communities in securing computers for access by youths between the ages of 5 years and 18 years who reside in these communities. The program shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University pursuant to a performance–based contract with the Division of Library and Information Services of the Department of State. The division shall develop performance measures, standards, and sanctions for the program. Performance measures must include, but are not limited to: the number of youth obtaining access to computers purchased under this program; the number of hours computers are made available to youth; and the number of hours spent by youth on computers purchased under this program for educational purposes. The administrative costs for administration of this program cannot exceed 10 percent of the amount appropriated to the division for the program.

(3)(a) Under this program, neighborhood facilities, through their governing bodies, may apply to the institute for grants to purchase computers that will be available for use by eligible youths who reside in the immediate vicinity of the neighborhood facility. For purposes of this program, eligible neighborhood facilities include, but are not limited to, facilities operated by:

1. Units of local government, including school districts;

2. Nonprofit, faith-based organizations, including neighborhood churches;

3. Nonprofit civic associations or homeowners' associations; and

4. Nonprofit organizations, the missions of which include improving conditions for residents of distressed urban communities.

To be eligible for funding under this program, a nonprofit organization or association must hold a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code.

(b) Notwithstanding the eligibility of the organizations identified in paragraph (a), the institute shall give priority consideration for funding under this program to applications submitted by neighborhood churches or by neighborhood-based, nonprofit organizations that have as a principal part of their missions the improvement of conditions for residents of the same neighborhoods in which the organizations are located. The institute also shall give priority consideration to organizations that demonstrate that they have not been awarded community enhancement or similar community support grants from state or local government on a regular basis in the past. The institute shall develop weighted criteria to be used in evaluating applications from such churches or organizations. Funding under this section shall not be used for religious or sectarian purposes.

(4) The institute shall develop guidelines governing the administration of this program and shall establish criteria to be used in evaluating an application for funding. At a minimum, the institute must find that:

(a) The neighborhood that is to be served by the grant suffers from general economic distress;

(b) Eligible youths who reside in the vicinity of the neighborhood facility have difficulty obtaining access to a library or schools that have sufficient computers; and

(c) The neighborhood facility has developed a detailed plan, as required under subsection (5), for:

1. Providing youths who reside in the vicinity of the facility with access to any computer purchased with grant funds, including evening and weekend access when libraries and schools are closed; and

2. Promoting the maximum participation of neighborhood youths in use of any computers purchased with grant funds.

(5) As part of an application for funding, the neighborhood facility must submit a plan that demonstrates:

(a) The manner in which eligible youths who reside in the immediate vicinity of the facility will be provided with access to any computer purchased with grant funds, including access during hours when libraries and schools are closed;

(b) The existence of safeguards to ensure that any computer purchased with grant funds is reserved for the educational use of eligible youths who reside in the immediate vicinity of the facility and is not used to support the business operations of the neighborhood facility or its governing body; and

(c) The existence, in the neighborhood facility, of telecommunications infrastructure necessary to guarantee access to the Internet through any computer purchased with grant funds.

(6) To the maximum extent possible, funding shall be awarded under this program in a manner designed to ensure the participation of distressed urban communities from regions throughout the state.

(7) The maximum amount of a grant which may be awarded to any single neighborhood facility under this program is $25,000.

(8) Before the institute may allocate funds for a grant under this program, the institute and the eligible neighborhood facility must execute a grant agreement that governs the terms and conditions of the grant.

(9) The institute, based upon guidance from the State Technology Office and the state's Chief Information Officer, shall establish minimum requirements governing the specifications and capabilities of any computers purchased with funds awarded under this grant program.

(10) Before the 2002 Regular Session of the Legislature, the institute shall evaluate the outcomes of this program and report the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the evaluation must assess the extent to which the program has improved access to computers for youths who reside in distressed urban communities. As part of this

report, the institute shall identify any impediments to the effective implementation and utilization of the program and shall make recommendations on methods to eliminate any such impediments. In addition, the institute shall make recommendations as to whether it would be sound public policy to continue the program; whether the program should be expanded to address additional target populations, including, but not limited to, youths in distressed rural communities and adults in distressed urban or rural communities; and whether the list of neighborhood facilities eligible to participate in the program should be revised or whether priority consideration for funding should be revised to emphasize a particular type of neighborhood facility. The report required under this subsection must be submitted by January 1, 2002.

(11) The institute may subcontract with the Information

And the title is amended as follows:

On page 2, lines 1-16, delete those lines and insert: purposes of the program; providing for program administration pursuant to a performance–based contract; providing for performance measures; providing for grants to be awarded to eligible neighborhood facilities; providing requirements for grant applications; prescribing the maximum amount of a grant; requiring a grant agreement between the institute and the recipient facility; providing for establishing minimum specifications of computers purchased under the program; providing for an evaluation and a report; authorizing the

Amendment 2 (710982)(with title amendment)—On page 22, between lines 21 and 22, insert:

Section 12. *(1) State agencies shall give priority to applicants for assistance in state housing, economic development, and community revitalization programs where that application supports the objectives of redeveloping HOPE VI grant neighborhoods. The following programs shall provide priority consideration to HOPE VI applications; SAIL, State Housing Tax Credit, Federal Low Income Housing Tax Credit, HOME program, Urban Infill Program, Urban High Crime Tax Credits, brownfields, state empowerment zone.*

(2) To qualify for priority consideration in the above mentioned programs, a HOPE VI project applicant must document the following actions in the application for assistance.

(a) There is an active and open grant award from the United States Department of Housing and Urban Development under the HOPE VI program in the community.

(b) There is tangible and documented support committed by the unit of local government to redeveloping the neighborhoods surrounding the HOPE VI project.

(c) There is a written agreement between the public housing authority and the unit of local government that outlines the joint agreement to redevelop the entire HOPE VI neighborhoods and not to focus solely upon the public housing site.

(d) There is a clearly defined plan with goals and objectives to promote the redevelopment of the HOPE VI neighborhoods to be a mixed income neighborhood, and to deconcentrate the location of publicly assisted housing within the neighborhood, promote home ownership, and involve the residents of the neighborhood in the redevelopment planning and improvement process.

(3) The Department of Community Affairs shall annually submit to the Legislature a summary of all assistance provided to local HOPE VI applicants, and the percentage of HOPE VI projects to all program awards.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 10, after the semicolon (;) insert: requiring that applicants for assistance in state housing, economic development, and community revitalization programs who support the objectives of redeveloping HOPE VI grant neighborhoods be given priority; providing application requirements; requiring the Department of Community Affairs to submit to the Legislature an annual summary of certain HOPE VI assistance provided;

Pursuant to Rule 4.19, **CS for CS for CS for SB 406** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 214—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which failed:

Amendment 1 (602538)(with title amendment)—On page 4, delete line 9, and insert:

Section 2. Section 509.049, Florida Statutes, is amended to read:

509.049 Food service employee training.—The division shall adopt, by rule, minimum food safety protection standards for the training of all food service employees who are responsible for the storage, preparation, display, or serving of foods to the public in establishments regulated under this chapter. These standards shall not include an examination, *but shall provide for a food safety training certificate program for food service employees to be administered by a private nonprofit provider chosen by the division. The division shall issue a request for competitive sealed proposals which includes a statement of the contractual services sought and all terms and conditions applicable to the contract. The division shall award the contract to the provider whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and the other criteria set forth in the request for proposals. The division shall contract with a provider on a 4-year basis and is authorized to promulgate by rule a per employee fee to cover the contracted price for the program administered by the provider. In making its selection, the division shall consider factors including, but not limited to, the experience and history of the provider in representing the food service industry, the provider's demonstrated commitment to food safety, and its ability to provide a statewide program with industry support and participation. Any food safety training program established and administered to food handler employees utilized at a public food service establishment prior to the effective date of this act shall be submitted by the operator to the division for its review and approval. If the food safety training program is approved by the division, nothing in this section shall preclude any other operator of a food service establishment from also utilizing the approved program or require the employees of any operator to receive training from or pay a fee to the division's contracted provider. Review and approval by the division of a program or programs under this section shall include, but not be limited to, the minimum food safety standards adopted by the division in accordance with this section* ~~or certification~~. It shall be the duty of the licensee of the public food service establishment to provide training in accordance with the described rule to all employees under the licensee's supervision or control. The licensee may designate a certified food service manager to perform this function as an agent of the licensee. *Food service employees must receive certification pursuant to this section by January 1, 2001. Food service employees hired after November 1, 2000, must receive certification within 60 days after employment. Certification pursuant to this section remains valid for 3 years.*

Section 3. Subsection (1) of section 509.291, Florida Statutes, is amended to read:

509.291 Advisory council.—

(1) There is created *a ten-member* ~~an 18-member~~ advisory council.

(a) The Secretary of Business and Professional Regulation shall appoint *five* ~~11~~ voting members to the advisory council. Each member appointed by the secretary must be an operator of an establishment licensed under this chapter and shall represent the industries regulated by the division, except that one member appointed by the secretary must be a layperson and shall represent the general public. Such members of the council shall serve staggered terms of 4 years.

(b) ~~The division, the Department of Health,~~ The Florida Hotel and Motel Association, the Florida Restaurant Association, the Florida

Apartment Association, and the Florida Association of Realtors shall each designate one representative to serve as a voting member of the council~~, and one member appointed by the secretary must be appointed to represent nontransient public lodging establishments~~. In addition, one hospitality administration educator from an institution of higher education affiliated with the Hospitality Education Program pursuant to s. 509.302(2) shall serve for a term of 2 years as a voting member of the council. This single representative shall be designated on a rotating basis by the institution or institutions of higher education affiliated with this program pursuant to s. 509.302(2).

(c) Any member who fails to attend three consecutive council meetings without good cause may be removed from the council by the secretary.

Section 4. Subsection (14) of section 561.01, Florida Statutes, is amended to read:

561.01 Definitions.—As used in the Beverage Law:

(14) "Licensee~~,~~" ~~"applicant," or "person"~~ means *a legal or business entity, person, or persons that hold a license issued by the division and meet the qualifications set forth in s. 561.15* ~~an individual, corporation, firm, partnership, limited partnership, incorporated association, unincorporated association, professional association, or other legal or commercial entity; a combination of such entities; or any such entity having a financial interest, directly or indirectly, in another such entity~~.

Section 5. Subsection (1) of section 561.17, Florida Statutes, is amended to read:

561.17 License and registration applications; approved person.—

(1) Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall file, with the district *licensing personnel* ~~supervisor~~ of the district of the division in which the place of business for which a license is sought is located, a sworn application in duplicate on forms provided to the district *licensing personnel* ~~supervisor~~ by the division. *The applicant must be a legal or business entity, person, or persons and must include all persons, officers, shareholders, and directors of such legal or business entity that have a direct or indirect interest in the business seeking to be licensed under this part. However, the applicant does not include any person that derives revenue from the license solely through a contractual relationship with the licensee, the substance of which contractual relationship is not related to the control of the sale of alcoholic beverages.* Prior to any application being approved, the division may require the applicant to file a set of fingerprints on regular United States Department of Justice forms for herself or himself and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought, when so required by the division. If the applicant or any person who is interested with the applicant either directly or indirectly in the business or who has a security interest in the license being sought or has a right to a percentage payment from the proceeds of the business, either by lease or otherwise, is not qualified, the application shall be denied by the division. However, any company regularly traded on a national securities exchange and not over the counter; any insurer, as defined in the Florida Insurance Code; or any bank or savings and loan association chartered by this state, another state, or the United States which has an interest, directly or indirectly, in an alcoholic beverage license shall not be required to obtain division approval of its officers, directors, or stockholders or any change of such positions or interests. A shopping center with five or more stores, one or more of which has an alcoholic beverage license and is required under a lease common to all shopping center tenants to pay no more than 10 percent of the gross proceeds of the business holding the license to the shopping center, shall not be considered as having an interest, directly or indirectly, in the license.

Section 6. Subsection (1) and paragraph (a) of subsection (2) of section 561.20, Florida Statutes, are amended to read:

561.20 Limitation upon number of licenses issued.—

(1) No license under s. 565.02(1)(a)-(f), inclusive, shall be issued so that the number of such licenses within the limits of the territory of any county exceeds one such license to each *7,500* ~~5,000~~ residents within such county. Regardless of the number of quota licenses issued prior to October 1, *2000* ~~1992~~, on and after that date, a new license under s. 565.02(1)(a)-(f), inclusive, shall be issued for each population increase of *7,500* ~~5,000~~ residents above the number of residents who resided in the county according to the April 1, *1999* ~~1991~~, Florida Estimate of Population as published by the Bureau of Economic and Business Research at the University of Florida, and thereafter, based on the last regular population estimate prepared pursuant to s. 186.901, for such county. Such population estimates shall be the basis for annual license issuance regardless of any local acts to the contrary. However, such limitation shall not prohibit the issuance of at least three licenses in any county that may approve the sale of intoxicating liquors in such county.

(2)(a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(21), with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(21), in a municipality that on the effective date of this act has a population, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; ~~or~~

4. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed*; or*~~.~~

5. Any caterer deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages licensed by the Division of Hotels and Restaurants under chapter 509. Notwithstanding any other provision of law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1) or s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in s. 561.20(1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages, to the vendor for a credit or reimbursement. Regardless of the county or counties in which

the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this subparagraph, including licensed vendor receipts for the purchase of alcoholic beverages and records identifying each customer and the location and date of each catered event. Notwithstanding any provision of law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in s. 561.20(1) may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph shall not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this section shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Family Services' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 7. Paragraph (k) is added to subsection (1) of section 561.29, Florida Statutes, to read:

561.29 Revocation and suspension of license; power to subpoena.—

(1) The division is given full power and authority to revoke or suspend the license of any person holding a license under the Beverage Law, when it is determined or found by the division upon sufficient cause appearing of:

(k) Failure by the holder of any license issued under the Beverage Law to comply with a stipulation, consent order, or final order.

Section 8. Subsection (5) of section 561.32, Florida Statutes, is amended and subsection (6) is added to that section to read:

561.32 Transfer of licenses; change of officers or directors; transfer of interest.—

(5) The division shall waive the transfer fee and the delinquent penalties, *but not the license renewal fee,* when the transfer of an interest in an alcoholic beverage license occurs by operation of law because of a death, judicial proceedings, court appointment of a fiduciary, foreclosure or forced judicial sale, bankruptcy proceedings, or seizure of a license by a government agency.

(6)(a) Notwithstanding any other provision of law, except as provided in paragraph (b), any license issued after October 1, 2000, under s. 561.20(1) shall not be transferable in any manner, directly or indirectly, including by any change in stock, partnership shares, or other form of ownership of any entity holding the license, except by probate or guardianship proceedings. Any attempted assignment, sale, or transfer of interest in such license, directly or indirectly, in violation of this provision is hereby declared void and the license shall be deemed abandoned and shall revert to the state to be issued in the manner provided by law for issuance of new licenses.

(b) A license issued after October 1, 2000, under s. 561.20(1) may be transferred as provided by law only upon payment to the division of a transfer fee in an amount equal to fifty times the annual license fee specified in s. 565.02(1)(b)-(f) in the county in which the license is valid. However, if the county is only authorized for the issuance of a liquor license for package sales only, the transfer fee shall be an amount equal to fifty times the annual license fee specified in s. 565.02(1)(a). The transfer fee provided for in this paragraph shall be in addition to any other transfer fee provided by paragraph (3)(a).

Section 9. Section 565.05, Florida Statutes, is amended to read:

565.05 Purchase of distilled spirits by licensed clubs; size of individual containers.—It is unlawful for any person holding a license as a club for the sale of distilled spirits to purchase any of said distilled spirits in individual containers larger than 1.75 liters or 59.18 ounces, or smaller than 0.50 liter or 16.9 ounces, *except for golf clubs licensed pursuant to s. 561.20(7)(b), which may purchase 50 milliliter or 1.7 ounce containers.*

Section 10. Section 565.06, Florida Statutes, is amended to read:

565.06 Clubs to sell only individual drinks.—It is unlawful for any person holding a license as a club for the sale of intoxicating liquors and beverages to sell the same except by the individual drink. *However, golf clubs licensed pursuant to s. 561.20(7)(b) may sell individual containers of 50 milliliters or 1.7 ounces for consumption on the premises only.*

Section 11. Section 561.181, Florida Statutes, is amended to read:

561.181 Temporary initial licenses.—

(1)(a) When any person has filed a properly completed application which does not on its face disclose any reason for denying an alcoholic beverage license, the division shall issue to such person a temporary initial license of the same type and series for which the application has been submitted, to be valid for all purposes under the Beverage Law, except as provided in paragraph (b).

(b) A license issued under this section entitles a vendor to purchase alcoholic beverages for cash only. This paragraph does not apply:

1. If the entity holding the temporary initial license is also the holder of a beverage license authorizing the purchase of the same type of alcoholic beverages as is authorized under the temporary license.

2. To purchases made as part of a single-transaction cooperative purchase placed by a pool buying agent.

~~(2) The temporary initial license shall be valid until the application is denied or until 14 days after the application is approved.~~

(2)~~(3)~~ A temporary initial license shall expire and shall not be continued or extended beyond the date the division denies the application for license, beyond 14 days after the date the division approves the application for license, *or* beyond the date the applicant pays the license fee for and the division issues the license applied for, ~~or beyond the date the temporary initial license otherwise expires by law,~~ whichever date occurs first. *If the department issues a notice of intent to deny the license*

application for failure of the applicant to disclose the information required by s. 561.15(2) or (4), the initial temporary license expires and shall not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.

(3)~~(4)~~ Each applicant seeking a temporary initial license shall pay to the division for such license a fee equal to one-fourth of the annual license fee for the type and series of license being applied for or $100, whichever is greater, which fee shall be deposited into the General Revenue Fund.

Section 12. Section 561.331, Florida Statutes, is amended to read:

561.331 Temporary license upon application for transfer, change of location, or change of type or series.—

(1) Upon the filing of a properly completed application for transfer pursuant to s. 561.32, which application does not on its face disclose any reason for denying an alcoholic beverage license, by any purchaser of a business which possesses a beverage license of any type or series, the purchaser of such business and the applicant for transfer are entitled as a matter of right to receive a temporary beverage license of the same type and series as that held by the seller of such business. The temporary license will be valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary beverage license shall be issued by the district supervisor of the district in which the application for transfer is made upon the payment of a fee of $100. A purchaser operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law, except that purchases of alcoholic beverages during the term of such temporary license shall be for cash only. However, such cash-only restriction does not apply if the entity holding a temporary license pursuant to this section purchases alcoholic beverages as part of a single-transaction cooperative purchase placed by a pool buying agent or if such entity is also the holder of a state beverage license authorizing the purchase of the same type of alcoholic beverages as authorized under the temporary license.

(2) Upon the filing of an application for change of location pursuant to s. 561.33 by any qualified licensee who possesses a beverage license of any type or series, which application does not on its face disclose any reason for denying an alcoholic beverage license, the licensee is entitled as a matter of right to receive a temporary beverage license of the same series as that license held by the licensee to be valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary license shall be issued by the district supervisor of the district in which the application for change of location is made without the payment of any further fee or tax. A licensee operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.

(3) Upon the filing of a properly completed application to change the type or series of a beverage license by any qualified licensee having a beverage license of any type or series, which application does not on its face disclose any reason for denying an alcoholic beverage license, the licensee is entitled as a matter of right to receive a temporary beverage license of the type or series applied for, which temporary license is valid for all purposes under the Beverage Law until the application is denied or until 14 days after the application is approved. Such temporary license shall be issued by the district supervisor of the district in which the application for change of type or series is made. *If the department issues a notice of intent to deny the license application for failure of the applicant to disclose the information required by s. 561.15(2) or (4), the temporary license for transfer, change of location, or change of type of series expires and shall not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.* If the fee for the type or series or license applied for is greater than the fee for the license then held by the applicant, the applicant for such temporary license must pay a fee in the amount of $100 or one-fourth of the difference between the fees, whichever amount is greater. A fee is not required for an application for a temporary license of a type or series for which the fee is the same as or less than the fee for the license then held by the applicant. The holder of a temporary license under this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.

(4) Nothing in this section shall be construed to permit the transfer or issuance of temporary licenses contrary to the county-by-county limitation on the number of such licenses based on population as provided in s. 561.20(1).

Section 13. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term "licensee" under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising a provision relating to the transfer of a license; prohibiting transfers of certain licenses under the Beverage Law; providing exceptions; providing for reversion to the state of certain licenses deemed abandoned; providing for transfer of certain licenses under certain circumstances; specifying fees for such transfers; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; amending s. 561.181, F.S.; revising provisions relating to the duration of temporary initial licenses; amending s. 561.331, F.S.; revising provisions relating to the duration of temporary transfer licenses;

Pursuant to Rule 4.19, **SB 214** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

SB 1438—A bill to be entitled An act relating to postgraduate degree programs; authorizing creation of a Master of Science in Speech-Language Pathology at Florida International University; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1438** to **HB 847**.

Pending further consideration of **SB 1438** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 847** was withdrawn from the Committees on Education and Fiscal Policy.

On motion by Senator Diaz-Balart—

HB 847—A bill to be entitled An act relating to Florida International University; authorizing a master of science degree program in speech-language pathology at Florida International University; providing an effective date.

—a companion measure, was substituted for **SB 1438** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 847** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1046—A bill to be entitled An act relating to Medicaid managed behavioral health care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract for prepaid behavioral health care services for Medicaid recipients in specified counties; providing requirements for the agency in developing procurement procedures; defining the term "comprehensive behavioral health care

services"; providing deadlines for entering such contracts; deleting provisions requiring the Department of Insurance to develop certain requirements for entities that provide mental health care services; authorizing the Agency for Health Care Administration to contract for mental health and substance abuse treatment services for Medicaid recipients through an administrative services organization agreement; providing requirements for procurement and availability of such services; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (175770)(with title amendment)—On page 2, line 24 through page 3, line 11, delete those lines and insert: *that are available to Medicaid recipients. The Secretary of the Department of Children and Families shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services. The agency may reimburse for substance-abuse-treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.*

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance-abuse-treatment services.

2. By December 31, 2001, the agency shall contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Charlotte, Collier, DeSoto, Escambia, Glades, Hendry, Lee, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, and Walton Counties. The agency may contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Alachua County. The agency may determine if Sarasota County shall be included as a separate catchment area or included in any other agency geographic area.

3. Children residing in a Department of Juvenile Justice residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan pursuant to this paragraph.

4. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

5. Traditional community mental health providers under contract with the Department of Children and Families pursuant to Part IV of chapter 394 and inpatient mental health providers licensed pursuant to chapter 395, must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services. ~~by December 31, 1998, and is~~

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: authorizing the agency to contract for the provision of certain services in Alachua County and authorizing it to make certain determinations regarding Sarasota County; prohibiting the inclusion of certain children in such services; requiring the agency to require certain providers to prevent the displacement of certain indigent care patients; providing for certain traditional mental health providers to be offered a contract to participate in such prepaid services plans;

Pursuant to Rule 4.19, **CS for SB 1046** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

SB 2104—A bill to be entitled An act relating to ballot statements and titles; amending s. 101.161, F.S.; providing an exception to ballot statement and title length requirements; providing an effective date.

—was read the second time by title.

Senator Casas moved the following amendment:

Amendment 1 (683050)(with title amendment)—On page 1, lines 9-31, delete those lines and insert:

Section 1. Subsections (1) and (3) of section 101.161, Florida Statutes, are amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. *The substance of the ballot language proposed by joint resolution shall be deemed to be clear and unambiguous for the purposes of this section.* The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. *Except for amendments and ballot language proposed by joint resolution,* the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

(3)(a) The ballot for the general election in the year 2000 must contain a statement allowing voters to determine whether circuit or county court judges will be selected by merit selection and retention as provided in s. 10, Art. V of the State Constitution. The ballot in each circuit must contain the statement in paragraph (c). The ballot in each county must contain the statement in paragraph (e).

(b) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (c) or paragraph (d) and the ballot for any county must contain the statement in paragraph (e) or paragraph (f).

(c) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall *the method of selecting* circuit court judges in the ___(number of the circuit)___ judicial circuit be *changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people* ~~selected through merit selection and retention~~?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall *the method of selecting* circuit court judges in the ___(number of the circuit)___ judicial circuit be *changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people* ~~selected by vote of the electorate of the circuit~~?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall *the method of selecting* county court judges in ___(name of

county) be *changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people* ~~selected through merit selection and retention~~?" This statement must be followed by the word "yes" and also by the word "no."

(f) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall *the method of selecting* county court judges in (name of the county) be *changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people* ~~selected by vote of the electorate of the county~~?" This statement must be followed by the word "yes" and also by the word "no."

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to referenda ballots; amending s. 101.161, F.S.; providing an exception to ballot statement and title length requirements; revising ballot language used to change the method of selecting circuit and county court judges; providing an effective date.

On motion by Senator Webster, further consideration of **SB 2104** with pending **Amendment 1** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **HB 1445**, **CS for HB 563** and **CS for HB 565** were withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

RECESS

On motion by Senator McKay, the rules were waived and the Senate recessed at 12:43 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:50 p.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 2104—A bill to be entitled An act relating to ballot statements and titles; amending s. 101.161, F.S.; providing an exception to ballot statement and title length requirements; providing an effective date.

—which was previously considered this day, with pending **Amendment 1** by Senator Casas.

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1A (111182)—On page 1, lines 27-29, delete those lines and insert: vote will indicate rejection. The

The question recurred on **Amendment 1** which failed.

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (793620)(with title amendment)—On page 2, before line 1, insert:

Section 2. Subsection (2) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(2) LISTING OF CANDIDATES.—

(a) Except as provided in paragraph (b), the order of nonpartisan offices appearing on the ballot shall be determined by the Department of State. The names of candidates for election to each nonpartisan office shall be listed in alphabetical order. With respect to retention of justices and judges, the question "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" shall appear on the ballot in alphabetical order and thereafter the words "Yes" and "No."

(b)1. The names of candidates for the office of circuit judge shall be listed on the first primary ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the first primary, shall have their names listed in the same order as on the first primary ballot, notwithstanding the elimination of any intervening names as a result of the first primary.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to elections; amending s. 105.041, F.S.; providing procedure for determining the position on the ballot of the names of candidates for the office of circuit judge; amending s. 101.161, F.S.; providing an

On motion by Senator Webster, further consideration of **SB 2104** as amended was deferred.

Consideration of **CS for CS for SB 1730** was deferred.

SENATOR SCOTT PRESIDING

On motion by Senator Hargrett—

SB 436—A bill to be entitled An act relating to regulation of recovered materials; amending s. 403.7046, F.S.; revising the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Hargrett and adopted:

Amendment 1 (095606)—On page 3, lines 3-6, delete those lines and insert: registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program. *Registration program costs are limited to those costs associated with the activities described in this paragraph.* Any

Senator King moved the following amendment which was adopted:

Amendment 2 (020196)(with title amendment)—On page 3, between lines 29 and 30, insert:

Section 2. *(1) SOLID WASTE COLLECTION SERVICES IN COMPETITION WITH PRIVATE COMPANIES.—*

(a) A local government that provides specific solid waste collection services in direct competition with a private company:

1. Shall comply with the provisions of local environmental, health, and safety standards that also are applicable to a private company providing such collection services in competition with the local government.

2. Shall not enact or enforce any license, permit, registration procedure, or associated fee that:

a. Does not apply to the local government and for which there is not a substantially similar requirement that applies to the local government; and

b. Provides the local government with a material advantage in its ability to compete with a private company in terms of cost or ability to promptly or efficiently provide such collection services. Nothing in this sub-subparagraph shall apply to any zoning, land use, or comprehensive plan requirement.

(b)1. A private company with which a local government is in competition may bring an action to enjoin a violation of paragraph (a) against any local government. No injunctive relief shall be granted if the official action which forms the basis for the suit bears a reasonable relationship to the health, safety, or welfare of the citizens of the local government unless the court finds that the actual or potential anticompetitive effects outweigh the public benefits of the challenged action.

2. As a condition precedent to the institution of an action pursuant to this paragraph, the complaining party shall first file with the local government a notice referencing this paragraph and setting forth the specific facts upon which the complaint is based and the manner in which the complaining party is affected. The complaining party may provide evidence to substantiate the claims made in the complaint. Within 30 days after receipt of such a complaint, the local government shall respond in writing to the complaining party explaining the corrective action taken, if any. If no response is received within 30 days or if appropriate corrective action is not taken within a reasonable time, the complaining party may institute the judicial proceedings authorized in this paragraph. However, failure to comply with this subparagraph shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the conduct or activity complained of.

3. The court may, in its discretion, award to the prevailing party or parties costs and reasonable attorney's fees.

(c) This subsection does not apply when the local government is exclusively providing the specific solid waste collection services itself or pursuant to an exclusive franchise.

(2) SOLID WASTE COLLECTION SERVICES OUTSIDE JURISDICTION.—

(a) Notwithstanding section 542.235, Florida Statutes, or any other provision of law, a local government that provides solid waste collection services outside its jurisdiction in direct competition with private companies is subject to the same prohibitions against predatory pricing applicable to private companies under sections 542.18 and 542.19, Florida Statutes.

(b) Any person injured by reason of violation of this subsection may sue therefor in the circuit courts of this state and shall be entitled to injunctive relief and to recover the damages and the costs of suit. The court may, in its discretion, award to the prevailing party or parties reasonable attorney's fees. An action for damages under this subsection must be commenced within 4 years. No person may obtain injunctive relief or recover damages under this subsection for any injury that results from actions taken by a local government in direct response to a natural disaster or similar occurrence for which an emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36, Florida Statutes, or for which such a declaration might be reasonably anticipated within the area covered by such executive order or proclamation.

(c) As a condition precedent to the institution of an action pursuant to this subsection, the complaining party shall first file with the local government a notice referencing this subsection and setting forth the specific facts upon which the complaint is based and the manner in which the complaining party is affected. Within 30 days after receipt of such complaint, the local government shall respond in writing to the complaining party explaining the corrective action taken, if any. If the local government denies that it has engaged in conduct that is prohibited by this subsection, its response shall include an explanation showing why the conduct complained of does not constitute predatory pricing.

(d) For the purposes of this subsection, the jurisdiction of a county, special district, or solid waste authority shall include all incorporated and unincorporated areas within the county, special district, or solid waste authority.

(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

(a) As used in this subsection, the term "displacement" means a local government's provision of a collection service which prohibits a private company from continuing to provide the same service that it was providing when the decision to displace was made. The term does not include:

1. Competition between the public sector and private companies for individual contracts;

2. Actions by which a local government, at the end of a contract with a private company, refuses to renew the contract and either awards the contract to another private company or decides for any reason to provide the collection service itself;

3. Actions taken against a private company because the company has acted in a manner threatening to the public health or safety or resulting in a substantial public nuisance;

4. Actions taken against a private company because the company has materially breached its contract with the local government;

5. Refusal by a private company to continue operations under the terms and conditions of its existing agreement during the 3-year notice period;

6. Entering into a contract with a private company to provide garbage, trash, or refuse collection which contract is not entered into under an ordinance that displaces or authorizes the displacement of another private company providing garbage, trash, or refuse collection;

7. Situations in which a majority of the property owners in the displacement area petition the governing body to take over the collection service;

8. Situations in which the private companies are licensed or permitted to do business within the local government for a limited time and such license or permit expires and is not renewed by the local government. This subparagraph does not apply to licensing or permitting processes enacted after May 1, 1999, or to occupational licenses; or

9. Annexations, to the extent that the provisions of section 171.062(4), Florida Statutes, apply.

(b) A local government or combination of local governments may not displace a private company that provides garbage, trash, or refuse collection service without first:

1. Holding at least one public hearing seeking comment on the advisability of the local government or combination of local governments providing the service.

2. Providing at least 45 days' written notice of the hearing, delivered by first-class mail to all private companies that provide the service within the jurisdiction.

3. Providing public notice of the hearing.

(c) Following the final public hearing held under paragraph (b), but not later than 1 year after the hearing, the local government may proceed to take those measures necessary to provide the service. A local government shall provide 3 years' notice to a private company before it engages in the actual provision of the service that displaces the company. As an alternative to delaying displacement 3 years, a local government may pay a displaced company an amount equal to the company's preceding 15 months' gross receipts for the displaced service in the displacement area. The 3-year notice period shall lapse as to any private company being displaced when the company ceases to provide service within the displacement area. Nothing in this paragraph prohibits the local government and the company from voluntarily negotiating a different notice period or amount of compensation.

(4) DEFINITIONS.—As used in this section:

(a) "In competition" or "in direct competition" means the vying between a local government and a private company to provide substantially similar solid waste collection services to the same customer.

(b) "Private company" means any entity other than a local government or other unit of government that provides solid waste collection services.

Section 3. Subsection (5) is added to section 171.062, Florida Statutes, to read:

171.062 Effects of annexations or contractions.—

(5) A party that has a contract that was in effect for at least 6 months prior to the initiation of an annexation to provide solid waste collection services in an unincorporated area may continue to provide such services to an annexed area for 5 years or the remainder of the contract term, whichever is shorter. Within a reasonable time following a written request to do so, the party shall provide the annexing municipality with a copy of the pertinent portion of the contract or other written evidence showing the duration of the contract, excluding any automatic renewals or so-called "evergreen" provisions. This subsection does not apply to contracts to provide solid waste collection services to single-family residential properties in those enclaves described in s. 171.046.

Section 4. Paragraph (d) is added to subsection (2) of section 165.061, Florida Statutes, to read:

165.061 Standards for incorporation, merger, and dissolution.—

(2) The incorporation of a new municipality through merger of existing municipalities and associated unincorporated areas must meet the following conditions:

(d) In accordance with s. 10, Art. I of the State Constitution, the plan for merger or incorporation must honor existing solid waste contracts in the affected geographic area subject to merger or incorporation; however, the plan for merger or incorporation may provide that existing contracts for solid waste collection services shall be honored only for 5 years or the remainder of the contract term, whichever is shorter, and may require that a copy of the pertinent portion of the contract or other written evidence of the duration of the contract, excluding any automatic renewals or so-called "evergreen" provisions, be provided to the municipality within a reasonable time following a written request to do so.

Section 5. Paragraph (a) of subsection (6) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(6)(a) The department shall require a processing fee in an amount sufficient, to the greatest extent possible, to cover the costs of reviewing and acting upon any application for a permit or request for site-specific alternative criteria or for an exemption from water quality criteria and to cover the costs of surveillance and other field services and related support activities associated with any permit *or plan approval* issued pursuant to this chapter. However, when an application is received without the required fee, the department shall acknowledge receipt of the application and shall immediately return the unprocessed application to the applicant and shall take no further action until the application is received with the appropriate fee. The department shall adopt a schedule of fees by rule, subject to the following limitations:

1. The ~~permit~~ fee for any of the following ~~permits~~ may not exceed $32,500:

a. Hazardous waste, construction permit.

b. Hazardous waste, operation permit.

c. Hazardous waste, *postclosure* ~~closure~~ permit, *or clean closure plan approval*.

2. The permit fee for a Class I injection well construction permit may not exceed $12,500.

3. The permit fee for any of the following permits may not exceed $10,000:

a. Solid waste, construction permit.

b. Solid waste, operation permit.

c. Class I injection well, operation permit.

4. The permit fee for any of the following permits may not exceed $7,500:

a. Air pollution, construction permit.

b. Solid waste, closure permit.

c. Drinking water, construction or operation permit.

d. Domestic waste residuals, construction or operation permit.

e. Industrial waste, operation permit.

f. Industrial waste, construction permit.

5. The permit fee for any of the following permits may not exceed $5,000:

a. Domestic waste, operation permit.

b. Domestic waste, construction permit.

6. The permit fee for any of the following permits may not exceed $4,000:

a. Wetlands resource management—(dredge and fill), standard form permit.

b. Hazardous waste, research and development permit.

c. Air pollution, operation permit, for sources not subject to s. 403.0872.

d. Class III injection well, construction, operation, or abandonment permits.

7. The permit fee for Class V injection wells, construction, operation, and abandonment permits may not exceed $750.

8. The permit fee for any of the following permits may not exceed $500:

a. Domestic waste, collection system permits.

b. Wetlands resource management—(dredge and fill and mangrove alterations), short permit form.

c. Drinking water, distribution system permit.

9. The permit fee for stormwater operation permits may not exceed $100.

10. The general permit fees for permits that require certification by a registered professional engineer or professional geologist may not exceed $500. The general permit fee for other permit types may not exceed $100.

11. The fee for a permit issued pursuant to s. 403.816 is $5,000, and the fee for any modification of such permit requested by the applicant is $1,000.

12. The regulatory program and surveillance fees for facilities permitted pursuant to s. 403.088 or s. 403.0885, or for facilities permitted pursuant to s. 402 of the Clean Water Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the department has been granted administrative authority, shall be limited as follows:

a. The fees for domestic wastewater facilities shall not exceed $7,500 annually. The department shall establish a sliding scale of fees based on the permitted capacity and shall ensure smaller domestic waste dischargers do not bear an inordinate share of costs of the program.

b. The annual fees for industrial waste facilities shall not exceed $11,500. The department shall establish a sliding scale of fees based

upon the volume, concentration, or nature of the industrial waste discharge and shall ensure smaller industrial waste dischargers do not bear an inordinate share of costs of the program.

c. The department may establish a fee, not to exceed the amounts in subparagraphs 4. and 5., to cover additional costs of review required for permit modification or construction engineering plans.

Section 6. Paragraph (d) is added to subsection (17) of section 403.706, Florida Statutes, to read:

403.706 Local government solid waste responsibilities.—

(17) To effect the purposes of this part, counties and municipalities are authorized, in addition to other powers granted pursuant to this part:

(d) To grant a solid waste fee waiver to nonprofit organizations that are engaged in the collection of donated goods for charitable purposes and that have a recycling or reuse rate of 50 percent or better.

Section 7. Subsection (1) of section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(1) Each person who intends to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility shall obtain a construction *permit*, operation *permit, postclosure* ~~or closure~~ permit, *or clean closure plan approval* from the department prior to constructing, modifying, operating, or closing the facility. By rule, the department may provide for the issuance of a single permit instead of any two or more hazardous waste facility permits.

Section 8. Section 171.093, Florida Statutes, is created to read:

171.093 Municipal annexation within independent special districts.—

(1) The purpose of this section is to provide an orderly transition of special district service responsibilities in an annexed area from an independent special district which levies ad valorem taxes to a municipality following the municipality's annexation of property located within the jurisdictional boundaries of an independent special district, if the municipality elects to assume such responsibilities.

(2) The municipality may make such an election by adopting a resolution evidencing the election and forwarding the resolution to the office of the special district and the property appraiser and tax collector of the county in which the annexed property is located. In addition, the municipality may incorporate its election into the annexation ordinance.

(3) Upon a municipality's election to assume the district's responsibilities, the municipality and the district may enter into an interlocal agreement addressing the orderly transfer of service responsibilities, real assets, equipment, and personnel to the municipality. The agreement shall address allocation of responsibility for special district services, avoidance of double taxation of property owners for such services in the area of overlapping jurisdiction, prevention of loss of any district revenues which may be detrimental to the continued operations of the independent district, avoidance of impairment of existing district contracts, disposition of property and equipment of the independent district and any assumption of indebtedness for it, the status and employee rights of any adversely affected employees of the independent district, and any other matter reasonably related to the transfer of responsibilities.

(4)(a) If the municipality and the district are unable to enter into an interlocal agreement pursuant to subsection (3), the municipality shall so advise the district and the property appraiser and tax collector of the county in which the annexed property is located and, effective October 1 of the calendar year immediately following the calendar year in which the municipality declares its intent to assume service responsibilities in the annexed area, the district shall remain the service provider in the annexed area for a period of 4 years. During the 4-year period, the municipality shall pay the district an amount equal to the ad valorem taxes or assessments that would have been collected had the property remained in the district.

(b) By the end of the 4-year period, or any extension mutually agreed upon by the district the municipality, the municipality and the district shall enter into an agreement that identifies the existing district property located in the municipality or primarily serving the municipality that will be assumed by the municipality, the fair market value of such property, and the manner of transfer of such property and any associated indebtedness. If the municipality and district are unable to agree to an equitable distribution of the district's property and indebtedness, the matter shall proceed to circuit court. In equitably distributing the district's property and associated indebtedness, the taxes and other revenues paid the district by or on behalf of the residents of the annexed area shall be taken into consideration.

(c) During the 4-year period, or during any mutually agreed upon extension, district service and capital expenditures within the annexed area shall continue to be rationally related to the annexed area's service needs. Service and capital expenditures within the annexed area shall also continue to be rationally related to the percentage of district revenue received on behalf of the residents of the annexed area when compared to the district's total revenue. A capital expenditure greater than $25,000 shall not be made by the district for use primarily within the annexed area without the express consent of the municipality.

(5) If the municipality elects not to assume the district's responsibilities, the district shall remain the service provider in the annexed area, the geographical boundaries of the district shall continue to include the annexed area, and the district may continue to levy ad valorem taxes and assessments on the real property located within the annexed area. If the municipality elects to assume the district's responsibilities in accordance with subsection (3), the district's boundaries shall contract to exclude the annexed area at the time and in the manner provided in the agreement.

(6) If the municipality elects to assume the district's responsibilities and the municipality and the district are unable to enter into an interlocal agreement, and the district continues to remain the service provider in the annexed area in accordance with subsection (4), the geographical boundaries of the district shall contract to exclude the annexed area on the effective date of the beginning of the 4-year period provided for in subsection (4). Nothing in this section precludes the contraction of the boundary of any independent special district by special act of the Legislature. The district shall not levy ad valorem taxes or assessments on the annexed property in the calendar year in which its boundaries contract and subsequent years, but it may continue to collect and use all ad valorem taxes and assessments levied in prior years. Nothing in this section prohibits the district from assessing user charges and impact fees within the annexed area while it remains the service provider.

(7) In addition to any other authority provided by law, a municipality is authorized to levy assessments on property located in an annexed area to offset all or a portion of the costs incurred by the municipality in assuming district responsibilities pursuant to this section. Such assessments may be collected pursuant to and in accordance with applicable law.

(8) This section does not apply to districts created pursuant to chapter 190 or chapter 373.

Section 9. *Subsection (5) of section 403.7165 and section 403.7199, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to governmental operations; providing requirements for local governments; providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s. 171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste

contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions; repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council; amending s. 403.7046, F.S.; revising

Pursuant to Rule 4.19, **SB 436** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 2220—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Plan; repealing s. 373.4149(5), F.S., relating to the disclosure of mining activities within a specified area; providing for the extinguishment of any rights acquired under s. 373.4149(5), F.S., as of a specified date unless such person files a notice of lis pendens; amending s. 373.4149, F.S.; clarifying the boundaries of the Miami-Dade County Lake Belt Area; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2220** to **HB 2121**.

Pending further consideration of **CS for SB 2220** as amended, on motion by Senator Diaz-Balart, the rules were waived and by two-thirds vote—

HB 2121—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Plan; amending s. 373.4149, F.S.; clarifying the boundaries of the plan area; repealing s. 373.4149(5), F.S.; relating to requirements on the sale or lease of certain property or the issuance of a development order in the plan area; extinguishing any rights that may have been acquired pursuant to the repealed language, if certain conditions are not met; providing a directive to the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **CS for SB 2220** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 2121** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 292—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.08106, F.S.; authorizing a salary bonus for teachers who complete certain training programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Sullivan and failed:

Amendment 1 (555926)—On page 4, lines 11-16, delete those lines and insert: *under section 501(c)(3) of the Internal Revenue Code, which has had at least 5 years' experience providing professional development and support services to teachers. The administrators of each component of the program*

Senator Sullivan moved the following amendment:

Amendment 2 (180084)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 231.315, Florida Statutes, is created to read:

231.315 Peer assistance and review.—

(1) The Legislature, the education community, and the public expect high standards of professional practice from school administrators and instructional staff. To promote high professional standards, administrators and instructional staff must develop a system of shared accountability. Peer assistance and review is a process in which highly skilled instructional personnel serve in a consulting role with their peers to improve the quality of classroom instruction. Peer assistance and review allows administrators and instructional personnel to share the responsibility of mentoring, training, assisting, and reviewing the professional standards and practices of instructional personnel.

(2) Peer assistance and review programs must meet the following minimum standards:

(a) Program provisions must be developed through the collective bargaining agreement between the teachers' association and the school district.

(b) A joint instructional personnel and school district governing body must be created with responsibility to review recommendations of the consulting peer instructional personnel.

(c) Consulting peer instructional personnel must be recognized by their peers as highly skilled practitioners and must be selected by their peers.

(d) Consulting peer instructional personnel must be properly compensated and trained.

(e) Consulting peer instructional personnel must provide assistance and review for instructional personnel with the same area of expertise as the consulting peer instructional personnel member.

(f) Consulting peer instructional personnel must not be considered administrative personnel and must retain status within the employees' collective bargaining unit.

(3) For fiscal years 2001-2002 and 2002-2003, up to six school districts may be selected to establish model peer assistance and review programs. At least one district selected must have less than 6,000 students, and at least one district selected must have more than 100,000 students. Districts that intend to apply for selection must submit an application to the Department of Education by March 1, 2001, which includes the agreement between the teachers' association and the school district. By October 1, 2001, the department shall select the participating districts based on the quality of their applications.

(4) The department shall provide technical assistance to selected school districts to establish model peer assistance and review programs.

(5) The school districts selected to establish model peer assistance and review programs shall receive by December 1, 2001, an allocation from the department as established in the General Appropriations Act.

(6) During the 2002-2003 fiscal year, the department shall assess the results of the selected model peer assistance and review programs and shall submit a report to the Governor, the President of the Senate, and

the Speaker of the House of Representatives by March 1, 2003. The report must include the department's recommendation as to the continuation or expansion of peer assistance and review programs.

Section 2. Section 231.6015, Florida Statutes, is created to read:

231.6015 Mathematics and science teacher-education program.—

(1) The Legislature intends to establish an inservice professional development program to improve the teaching of mathematics and science in the public schools of this state, with an initial emphasis on students in kindergarten through grade 8. The program may be conducted separately or in conjunction with other inservice professional development programs provided by a school district. The funds are to be used to supplement but not to supplant current professional development in mathematics and science education.

(2) As used in this section, the term "teacher" has the meaning ascribed to "instructional personnel" in s. 236.685.

(3) The purpose of the program is to improve the ability of teachers to deliver instruction that:

(a) Concentrates learning on the Sunshine State Standards and the Subject Matter Content Standards for teachers adopted by the Education Standards Commission;

(b) Includes content in sequences designed to prepare students for the state assessments of progress;

(c) Demonstrates its quality by improvement in students' classroom achievement; and

(d) Identifies and challenges students who excel in science and mathematics as well as those whose aptitude is average or below average.

(4) The program must be designed to improve a teacher's command of content knowledge and teaching skills. If resources are insufficient to provide adequate instruction for all teachers, the program design should allocate those resources to produce a measurable, systemic change in student learning, rather than only to reach as many teachers as possible.

(5) The program must:

(a) Employ strategies that have proved effective;

(b) Exploit current knowledge and research on professional staff development and standards;

(c) Include components for school board members and administrators at the school level, school district administration level, and state level;

(d) Involve the expertise of public and independent universities, colleges, and community colleges in planning and implementation;

(e) Provide for an incentive plan as authorized in s. 236.08106; and

(f) Include an evaluation of effectiveness as determined by the Florida Alliance for Improving Mathematics and Science in Education Programs. The evaluation component of the program must provide data capable of allowing an analysis of the achievement of students before and after the program is implemented and for an analysis of students whose teachers participate in the program compared to a cohort of students whose teachers do not. As much as possible, the cohort must consist of students having similar demographic characteristics and selected measures of academic achievement.

(6) The Legislature shall determine annually in the General Appropriations Act the funds to be available for this program. The Technological Research and Development Authority may be the fiscal agent of these funds.

(7) Under s. 240.149, the Florida Alliance for Improving Mathematics and Science in Education Programs may operate the delivery mechanisms for the program or may delegate that responsibility to a school district, a consortium of school districts, an academy, an area center for educational enhancement, or a group operating under a charter arranged by a district or consortium. The delivery mechanisms may involve the expertise of science centers, and the Florida Alliance for Improving Mathematics and Science and school boards may arrange participation by science centers in the planning and delivery of the program, including participation in charter agreements, where appropriate. As used in this subsection, a science center means a nonprofit organization, recognized under section 501(c)(3) of the Internal Revenue Code, which is a full member of the Association of Science and Technology Centers, is accredited by the American Association of Museums, and has had at least 5 years' experience providing professional development and support services to teachers throughout the state. The administrators of each component of the program shall work collaboratively with the Florida Alliance for Improving Mathematics and Science in Education Programs to plan programs and activities provided by the professional development program, including follow-up support for the teachers.

(8) Teachers participating in the program may receive compensation from the school district for their participation and may use successful participation in the program for extension of a certificate, for adding a new certification area if the district has an approved add-on certification program as provided by the State Board of Education, or for college credit for portions of the program which are taught by full-time faculty members of postsecondary institutions. In addition to a stipend for the workdays allocated to the training, a teacher may be eligible for a salary bonus upon successful completion of the program, under s. 236.08106.

(9) Delivery sites used in the program should be joint-use facilities and may be on property belonging to a school district; a public or independent university, college, or community college; or any other group under a contract approved by the alliance.

(10) A community college or university may report full-time-equivalent students as a result of providing instruction for the program if the instruction is provided in-load by its own staff paid by its own resources.

(11) This section shall be implemented only to the extent funded by the General Appropriations Act.

Section 3. Section 240.149, Florida Statutes, is created to read:

240.149 Mathematics and science teacher-education organization; responsibility for program planning and implementation.—

(1) An organization is established to plan and implement the mathematics and science teacher education program created in s. 231.6015. The organization is to be named the Florida Alliance for Improving Mathematics and Science Teaching in Education Programs; must be recognized under section 501(c)(3) of the Internal Revenue Code and registered, incorporated, organized, and operated in compliance with chapter 617; and is not to be considered to be a unit or entity of state government.

(a) The organization shall execute its responsibilities independently but is assigned to the Office of the Commissioner of Education for administrative purposes.

(b) In the interest of sound public policy, the Legislature determines that the organization is subject to the provisions of chapter 119 which relate to public records, and to the provisions of chapter 286 which relate to public meetings and records.

(2) A board of directors shall govern the organization. The members of the board shall be appointed by the Commissioner of Education from recommendations provided by the Postsecondary Education Planning Commission, the Education Standards Commission, the Workforce Development Board of Enterprise Florida, or other public or private organizations with expertise in education or technology upon invitation of the commissioner.

(a) Four members must be employees of postsecondary education institutions and must have expertise in science and science education, mathematics and mathematics education, or a related technical field.

(b) Four members must be employees of Florida district school boards; at least two of these members must be teachers.

(c) Four members must be from the private sector.

(d) One member shall serve ex officio as a representative of the Department of Education. An ex officio member may participate in all deliberations of the alliance but may not vote.

(e) Members shall serve 4-year staggered terms, with four of the members having initial terms of 2 years, 3 years, and 4 years, respectively. The commissioner shall appoint a new member to fill the remainder of a vacant, unexpired term and may reappoint a member.

(f) Members are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061.

(3) The board of directors shall employ a chief executive officer, who shall direct and supervise the administrative affairs of the board of directors. The board of directors may delegate to the chief executive officer any powers and duties it finds appropriate. The chief executive officer may contract with or employ legal and technical experts and other employees as authorized by the board of directors. The chief executive officer shall administer the professional development grant program assigned to the organization and other finances of the organization to ensure appropriate accountability and the prudent use of public and private funds.

(4) A council is created to assist the organization and to apprise decisionmakers of its activities.

(a) The council shall be composed of six members who represent the following governmental branches or sectors: one member of the Florida Senate appointed by the President of the Senate; one member of the Florida House of Representatives appointed by the Speaker of the House of Representatives; a representative of the Executive Office of the Governor appointed by the Governor; a representative of the Department of Education appointed by the Commissioner of Education; a representative of the Florida Community College System appointed by the executive director of the system; and a representative of the State University System appointed by the chancellor.

(b) The council shall meet at least 2 times a year, with one meeting conducted jointly with the board of directors.

(5) The Florida Alliance for Improving Mathematics and Science Teaching in Education Programs shall plan and oversee implementation of the program created by s. 231.6015 and shall:

(a) Establish and maintain a system of professional development programs in mathematics and science education, as provided in the General Appropriations Act.

(b) Provide for involvement of postsecondary education in planning and implementation.

(c) Produce specialized professional development program guidelines. These guidelines may include curricula and instructional methods and must assure that the programs focus on content learning, employ tested strategies, reflect the nature of science and mathematics, and base their design on current knowledge and research concerning professional development.

(d) Provide for the selection and preparation of staff to implement professional development in mathematics and science.

(e) Establish priorities that school districts and centers for educational enhancement must use in selecting the teachers to participate in the program. If the plan does not provide for participation by all teachers of kindergarten through grade 8 within a 4-year cycle, the selection priorities must implement a rationale for disseminating the program's benefits.

(f) Design strategies for providing follow-up support for each participating teacher. The follow-up strategies must provide for integration of the principles learned in the program into the teacher's workday for at least 1 year, with continuing followup for 2 additional years or more, as provided in the General Appropriations Act.

(g) Design and oversee an incentive plan that will encourage the participation of public school teachers and administrators in the professional development program. The incentive plan must provide for access to any merit-pay plans developed by school districts and may provide for a stipend and a salary bonus for participating teachers, under s. 236.08106. Such bonus must be in addition to the teacher's regular earnings from a school district and may not be awarded until a teacher has successfully completed the program and demonstrated, through prescribed follow-up activities in the classroom, an improvement in student achievement in mathematics or science.

(h) Measure the effectiveness of the professional development program on learning and teaching in mathematics and science. This impact assessment must assure state and local quality control of the improvement of mathematics and science teaching.

(6) By December 1, 2000, the board must submit to the office of the Commissioner of Education a proposed budget for implementing the program in 2001-2004. The budget must contain alternative plans for the participation of 50 percent, 33 percent, and 25 percent of the state's teachers at the elementary and middle-school levels by 2004.

Section 4. Subsection (8) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(8) STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. *The rules must also require each school to report the number and percentage of teachers who have achieved certification by the National Board of Professional Teaching Standards and, for schools that contain a kindergarten or grade 1 through grade 8, the number and proportion of teachers who have successfully completed the program to improve mathematics and science teaching under s. 236.08106.*

Section 5. Subsection (3) of section 231.600, Florida Statutes, is amended to read:

231.600 School Community Professional Development Act.—

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives;

(b) Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners; ~~and~~

(c) Provide continuous support as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance*; and*~~.~~

(d) Assure that teacher education programs in science, mathematics, and technology education will be fully aligned with the Sunshine State Standards by the implementation of the statewide assessment in science authorized by s. 229.57. These education programs must assure that all teachers, especially teachers of kindergarten through grade 8, know and understand the science and mathematics standards included in the Sunshine State Standards and the Subject Matter Content Standards for teachers adopted by the Education Standards Commission.

Section 6. Subsection (2) of section 236.08106, Florida Statutes, is amended to read:

236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A salary bonus or increased stipend for teachers who successfully complete the program to improve the teaching of mathematics and science in Florida under s. 231.6015. The criteria for successful completion of the program must be established by the Florida Alliance for Improving Mathematics and Science Teaching in Education Programs and must include a demonstration through prescribed followup activities in the classroom of an improvement in student achievement in mathematics or science.

(b)~~(a)~~ A fee subsidy to be paid by the Department of Education to the NBPTS on behalf of each individual who is an employee of a district

school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than $1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(c)~~(b)~~ A portfolio-preparation incentive of $150 paid by the Department of Education to each teacher employed by a district school board or a public school within a school district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(d)~~(c)~~ An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29. The annual bonus may be paid as a single payment or divided into not more than three payments.

(e)~~(d)~~ An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph *(d)* ~~(c)~~ and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the *state* ~~district~~ who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during the regular school day or during the 196 days of required service for the school year.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

Section 7. Paragraph (a) of subsection (4) of section 236.685, Florida Statutes, is amended to read:

236.685 Educational funding accountability.—

(4)(a) The school public accountability report to parents must include the number of employees in each of the categories listed in subsection (3), by work location. However, this does not include the number of temporary substitute employees. *The report must also include the number and proportion of instructional personnel in kindergarten through grade 8 who have achieved certification by the National Board of Professional Teaching Standards or have completed the program to improve mathematics and science teaching in Florida under s. 236.08106.*

Section 8. Section 239.515, Florida Statutes, is created to read:

239.515 College Fast Start Program.—

(1) There is established a College Fast Start Program to increase the number of students with disabilities in grades 6 through 12 who are admitted to and successfully complete an associate in arts degree or an associate in science degree or a workforce development program. The goal of the program is the completion of a degree or occupational completion points by, and placement into competitive employment of, students who were identified as having a disability, in accordance with the requirements of chapter 6A-6, Florida Administrative Code, prior to their senior year in high school and who otherwise would be unlikely to seek admission to a community college, state university, or independent postsecondary vocational institution without special support and recruitment efforts. As part of the College Fast Start Program, the Florida Governor's Alliance for the Employment of Disabled Citizens, in cooperation with community colleges, independent postsecondary institutions, high schools, businesses, and agencies serving youth with disabilities, shall sponsor programs to develop leadership skills, career counseling, and motivation and shall provide grants for internships to further prepare students with disabilities for postsecondary education and employment opportunities.

(2) As used in this section:

(a) "The alliance" means the Florida Governor's Alliance for the Employment of Disabled Citizens.

(b) "Program participant" means a community college, public university, independent postsecondary institution, high school, agency serving youth with disabilities, or a consortium of the above.

(3) To apply to participate in the College Fast Start Program, a potential program participant must submit a proposal to the Florida Governor's Alliance for the Employment of Disabled Citizens. Each proposal must contain the following information:

(a) A statement of purpose, which includes a description of the need for, and the results expected from, the proposed program.

(b) An identification of the service area which names the schools to be served and provides community and school demographics on the number and types of students with disabilities and the number of high school graduates within the area with a disability.

(c) An identification of existing programs for providing employment training for persons with disabilities.

(d) A description of the proposed training and modifications needed to accommodate students who would participate in the program. At least 40 percent of the students participating in any one year must be in grades 6 through 9.

(e) A description of the program activities, which must support the following goals:

1. To motivate students to pursue a postsecondary education.

2. To develop students' basic learning and leadership skills.

3. To develop collaboration with the STARS program.

(f) An evaluation component that provides for the collection, maintenance, retrieval, and analysis of the data required by this section.

(4) The alliance shall consider proposals to determine which proposals to implement as programs that will strengthen the educational motivation and preparation of students with disabilities to seek postsecondary education or job training. In selecting proposals for approval, the alliance shall give preference to:

(a) Proposals submitted by a postsecondary institution and a business partner that include innovative approaches, provide a great variety of activities, and interact with business and industry in the development of the learning experience.

(b) A program that will use institutional, federal, or private resources to supplement state appropriations.

(c) Proposals that demonstrate commitment to the program by proposing to match the grant funds equally in cash or services, with cash being the preferred contribution.

(d) Proposals that demonstrate an interest in cultural diversity and that address the unmet regional employment needs of varying communities.

(e) A program that identifies potential student participants from among students who are not already enrolled in similar programs that assist students with disabilities.

(f) A program that includes a parental involvement component.

(5) Program applicants that are approved to participate in the program must implement procedures which provide consistent contact with students from the point at which the student is selected to participate in the program until he or she enrolls in a postsecondary education institution. These procedures must assist students in selecting courses required for graduation from high school and must include occupational forecasting for future job availability and requirements for those positions. Institutions that participate must provide on-campus academic or job training activities, job profiling and career counseling activities during summer vacation, and opportunities for interacting with business leaders and employers, mentors, tutors, or role models. Each program participant is encouraged to use its resources to meet program objectives. Each program participant must establish an advisory committee composed of high school and middle school personnel and business leaders to provide advice and assistance in implementing the program.

(6) An advisory council shall review each proposal and recommend to the alliance an order of priority for funding the proposals. The advisory council shall consist of the following 10 members and shall designate a meeting facilitator from among the members:

(a) Three persons with disabilities, appointed by the Governor.

(b) Two representatives of private or community-based organizations, one each appointed by the President of the Senate and the Speaker of the House of Representatives.

(c) One representative of the State University System, appointed by the chair of the Board of Regents.

(d) One representative of the Community College System, appointed by the chair of the State Board of Community Colleges.

(e) One representative of the Independent Colleges and Universities of Florida, appointed by the president of the Independent Colleges and Universities of Florida.

(f) One representative of a public school district, appointed by the Commissioner of Education.

(g) One representative of the Postsecondary Education Planning Commission, appointed by the chair of the commission.

Each member shall be appointed for a 3-year, staggered term of office. Members may serve no more than two consecutive terms. A vacancy must be filled with a person of the same status as the original appointee who shall serve for the remainder of the term. Members are entitled to per diem and travel expenses as provided in s. 112.061 while performing council duties.

(7) Funding for the College Fast Start Program shall be provided annually in the General Appropriations Act. From these funds, an annual allocation shall be provided to the alliance to conduct the program. Approved programs must be funded competitively according to the following methodology:

(a) Eighty percent of funds appropriated annually to the College Fast Start Program must be distributed as grants to projects that include, at the minimum:

1. A summer business internship program.

2. A minimum number of hours of academic instructional and developmental activities, career counseling, and personal counseling.

(b) The remaining 20 percent of funds appropriated annually may be used by the Florida Governor's Alliance for the Employment of Disabled Citizens for college preparatory leadership training programs.

(c) Subject to legislative appropriations, funds for the continuation of projects that satisfy the minimum requirements shall be increased each year by the same percentage as the rate of inflation. Projects funded for 3 consecutive years must have a cumulative institutional cash match of not less than 50 percent of the total cost of the project over the 3-year period. Any College Fast Start Program operating for 3 years which does not provide the minimum 50 percent institutional cash match shall not be considered for continued funding.

(8) On or before February 15 of each year, each participant or consortium of participants shall submit to the alliance an interim report of program expenditures and participant information as requested by the alliance.

(9) On or before October 15 of each year, each program participant shall submit to the alliance an end-of-the-year report on the effectiveness of its participation in the program during the preceding fiscal year. The end-of-the-year report must include, without limitation:

(a) An itemization of program expenditures by funding category, including: state grant funds, institutional matching contributions disaggregated by cash and in-kind services, and outside funding sources disaggregated by cash and in-kind services.

(b) The number of students participating by grade level, gender, race, and disability.

(c) The student identification number and social security number, if available, the name of the public school attended, and the gender, ethnicity, grade level, and grade point average of each student participant at the time of entry into the program.

(d) The grade point average, grade, and promotion status of each student participant at the end of the academic year and notification of suspension or expulsion of a participant, if applicable.

(e) The number and percentage of high school participants who satisfactorily complete 2 sequential years of a foreign language and Levels 2 and 3 mathematics and science courses.

(f) The number and percentage of participants eligible for high school graduation who receive a standard high school diploma or a high school equivalency diploma pursuant to s. 229.814.

(g) The number and percentage of 12th grade participants who are accepted for enrollment and who enroll in a postsecondary institution and the program of study in which they are enrolled.

(h) The number of participants who receive scholarships, grant aid, and work-study awards.

(i) The number and percentage of participants who enroll in a public postsecondary institution and who fail to achieve a passing score, as defined in State Board of Education rule, on college placement tests pursuant to s. 240.117.

(j) The number and percentage of participants who enroll in a postsecondary institution and have a minimum cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, by the end of the second semester.

(k) A statement of how the program addresses the three program goals identified in paragraph (3)(e).

(l) A brief description and analysis of program characteristics and activities critical to program success.

(m) A description of the cooperation received from other units, organizations, businesses, or agencies.

(n) An explanation of the program's outcomes, including data related to student performance on the measures provided for in paragraph (3)(f).

The Postsecondary Education Planning Commission, in consultation with the alliance and the Department of Education, shall develop specifications and procedures for the collection and transmission of the data.

(10) By February 15 of each year, the alliance shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report that evaluates the effectiveness of the College Fast Start Program. The report must be based upon information provided by program participants, the Board of Regents, the State Board of Community Colleges, and the Division of Workforce Development pursuant to subsections (1) and (7). To the extent feasible, the performance of College Fast Start Program participants

must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 9. *(1) The Legislature finds that it is in the public interest to provide for the reenactment by general law of a Technological Research and Development Authority created by chapter 87-455, Laws of Florida, and to extend its powers and duties beyond Brevard County. The Technological Research and Development Authority shall promote scientific research and development in Florida, with the goal of establishing Florida as a center for high technology and economic development to serve the public good.*

(2) There is created and incorporated the Technological Research and Development Authority as an independent special district.

(3)(a) The authority shall be governed by a commission of seven persons who are residents of this state. The Brevard County Legislative Delegation shall nominate three candidates for each of five commission vacancies, and the Governor shall appoint a member of the commission from the nominees for the vacancy. Further, the Governor shall select and appoint the two remaining members of the commission. The Governor shall appoint each member for a term of 4 years, who shall serve until his or her successor is appointed. If a vacancy occurs during a member's term, the Governor shall appoint a person to fill the vacancy for the remainder of the member's term. The Governor may remove any member for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and subscribe the oath of affirmation required by the State Constitution. The existing board members appointed under chapter 87-455, Laws of Florida, of the existing Technology Research and Development Authority law may serve the remainder of their terms.

(b) The authority shall annually elect one of its members as chair and one as vice chair and may also appoint a secretary who shall serve at the pleasure of the authority. The authority may also appoint such other officers as necessary.

(4) The commission has powers and duties as follows:

(a) To plan and undertake a program of action that promotes scientific research and development and fosters public and private education.

(b) To contract with and support the programs of those accredited educational institutions with a research capability and which have main campuses within this state in the furtherance of the objectives of the authority and to contract with any other accredited educational institution in furtherance of the objectives of the authority to establish public-private partnerships and create, sponsor, and manage not-for-profit entities to implement or facilitate the purposes of the authority.

(c) To make and manage grants and bequests, and to enter into contracts and other agreements with units of government and private parties for the purpose of obtaining funds for projects and programs that further the objectives of the authority.

(d) To establish an annual budget and amend the budget when necessary.

(e) To adopt an official seal and alter it at its pleasure.

(f) To maintain an office at such place or places in Brevard County or elsewhere as it may designate.

(g) To sue and be sued in its own name.

(h) To acquire by lease, purchase, or option real and personal property for any use consistent with the purposes of this act.

(i) To finance or refinance and to secure the issuance and repayment of bonds, if all revenue bonds or other debt obligations are payable solely from the revenues derived from the sale, operation, or leasing of projects to the authority. Any bonds issued by the authority do not constitute a debt, liability, or obligation of any authority or county or of the state or any political subdivision, and such revenue bond or debt obligations must be paid solely from revenues derived from the sale, operation, or leasing of a project or projects.

(j) To employ personnel, consultants, accountants, attorneys, engineers, and other experts as necessary and convenient in the execution of the powers of the authority.

(5) This act shall be liberally construed to effectuate its purposes.

(6) The duties and responsibilities of the authority must be carried out in accordance with chapter 189, Florida Statutes, relating to independent special districts.

(7) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. *Chapter 87-455, Laws of Florida, is repealed. All contracts, leases, obligations, and agreements of the Technological Research and Development Authority shall be continued in full force and effect upon this act becoming a law.*

Section 11. *Florida School for Science and Technology.—There is established the Florida School for Science and Technology to be managed and controlled by the Technological Research and Development Authority (TRDA), created by s. 2, chapter 87-455, Laws of Florida.*

(1) The Florida School for Science and Technology shall be a residential public school located in Brevard County, the attendance area for which shall be the entire state. The Florida School for Science and Technology shall offer:

(a) Accelerated programs in the areas of math, science, and technology to students in grades 11 and 12 who meet the eligibility requirements established according to this section.

(b) Summer programs for elementary and secondary school students and teachers.

(2) The TRDA shall be responsible for the administration and operation of the Florida School for Science and Technology. However, the board of directors of the TRDA shall appoint a board of trustees to which the TRDA may delegate responsibility for any aspect of the operation or administration of the school, including, but not limited to:

(a) The appointment of a director of the school.

(b) The adoption by rule, pursuant to ss. 120.536(1) and 120.54, Florida Statutes, of student eligibility and qualification requirements, the size of the student body, student selection methods and standards, and procedures for the operation of the school.

(c) The establishment of a student application and appeal process.

Admission to the Florida School for Science and Technology shall be considered a privilege reserved for certain qualified students, rather than a right afforded to the student population in general. In exercising any delegated responsibility, the board of trustees shall remain accountable to the TRDA for its actions.

(3) In order to facilitate innovative practices, the Florida School for Science and Technology shall be exempt from those requirements of chapters 230 through 235 of the Florida School Code relating to curriculum and operations, except those pertaining to civil rights and student health, safety, and welfare. The school shall not be exempt from chapter 119, Florida Statutes, relating to public records, and s. 286.011, Florida Statutes, relating to public meetings and records, public inspection, and penalties.

(4) The TRDA shall annually prepare and submit a legislative budget request to the Department of Education in accordance with chapter 216 and s. 235.41, Florida Statutes.

(5) The TRDA shall serve as the fiscal agent of the Florida School for Science and Technology, which shall be funded by state appropriations and private contributions and endowments. Funds for operations shall be provided to the TRDA in the General Appropriations Act.

(6) The TRDA shall develop a plan for the establishment of the Florida School for Science and Technology, including timelines for projected stages of operation, construction, enrollment, and costs. The TRDA shall annually submit to the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report addressing the status of school development, operations, enrollment, student achievement, and projected funding needs.

(7) Students enrolled in the Florida School for Science and Technology shall participate in the statewide assessment program, pursuant to s. 229.57. The Florida School for Science and Technology shall comply with state school accountability standards and reporting requirements.

(8) The TRDA and the board of trustees of the Florida School for Science and Technology shall develop enrollment policies to ensure equal access and a student body that reflects the racial, ethnic, and socioeconomic diversity of the student population of the state.

(9) The TRDA and the board of trustees of the Florida School for Science and Technology shall not be exempt from federal requirements for public schools, such as provisions regarding exceptional student education and students with disabilities.

Section 12. *Legislative intent.—It is the intent of the Legislature to create individually governed baccalaureate and master's degree oriented universities as a means of increasing the number of baccalaureate degrees in the community. These universities will also play a vital role in addressing the state's need for a larger trained workforce and in alleviating the teacher shortages facing public schools.*

Section 13. *Baccalaureate and master's degree oriented universities.—*

(1) Baccalaureate and master's degree oriented universities are as follows:

(a) Suncoast University in Pinellas County.

(b) New College in Sarasota County, which shall be considered a university for purposes of this act.

(2) The universities will be developed using a combination of new and existing facilities, with initial development at locations and facilities in the state's existing postsecondary education systems.

(3) A community college may not convert to a baccalaureate and master's degree oriented university.

Section 14. *University mission.—The mission of the baccalaureate and master's degree oriented universities is to provide high-quality undergraduate education at an affordable price, and to promote regional and statewide economic development. Initially, course offerings will be limited to core programs in the liberal arts and sciences, technology, and a limited number of professional programs, including business and education. The role of these universities is to complement, not compete with, community colleges and institutions in the State University System. This role will be accomplished by encouraging interinstitutional cooperation and by providing upper-division undergraduate opportunities to community college transfer students, particularly students with associate in science degrees transferring into baccalaureate programs. An additional component of the role of New College will be to continue to maintain its liberal arts honors program of national distinction and to continue to be the honors college of the State of Florida. The emphasis at these new universities will be on teaching, not research. Instruction will be primarily at the baccalaureate degree level with a limited number of master's degree level courses and programs. A baccalaureate and master's degree oriented university shall contract with a local community college to provide lower-division instruction. This primary mission does not preclude one of these universities from entering into a joint-use agreement with any institution in the State University System to offer master's and doctoral degree programs on the baccalaureate and master's degree oriented university campus.*

Section 15. *Operational plan.—The baccalaureate and master's degree oriented universities shall begin admitting students for classes beginning with the fall term of the 2002-2003 academic year. The Postsecondary Education Planning Commission shall develop an operational plan for inaugurating the universities and present its recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 2001.*

Section 16. *University boards of trustees.—*

(1) Each baccalaureate and master's degree oriented university must be governed by a board of trustees comprised of nine members who must be residents of the county in which the university is located. The trustees shall be appointed by the Governor and confirmed by the Senate in regular session.

(2) The trustees shall serve terms of 4 years; however, for the initial board of trustees, three members shall be appointed for terms of 2 years, three members for terms of 3 years, and three members for terms of 4 years. A trustee may be reappointed. Three consecutive absences from board meetings shall be considered a resignation.

(3) Members of the board of trustees shall receive no salary but may receive reimbursement for expenses as provided in section 112.061, Florida Statutes, including mileage to and from official board meetings.

(4) At its first regular meeting after July 1 of each year, each board of trustees shall:

(a) Elect a chair, whose duties shall be to preside at all meetings of the board, to call special meetings thereof, and to attest to actions of the board.

(b) Elect a vice chair, whose duty shall be to act as chair during the absence or disability of the elected chair.

(5) The university president shall be the executive officer and corporate secretary of the board of trustees as well as the chief administrative officer of the university. All components of the institution and all aspects of its operation shall be the responsibility of the board of trustees through the president.

(6) The board of trustees shall have the power to take action without the recommendation of the president and may require the president to deliver to the board all data and information required by the board in the performance of its duties.

Section 17. *University board of trustees to constitute a corporation.—Each baccalaureate and master's degree oriented university board of trustees is constituted a body corporate by the name of "The Board of Trustees of _____ University at _____, Florida." In all suits against the board, service of process shall be made on the chair of the board or, in the absence of the chair, on another member of the board.*

Section 18. *University boards of trustees; powers and duties.—*

(1) Each university board of trustees is vested with the responsibility to operate its respective university and with the necessary authority for the proper operation and improvement of the university in accordance with the rules of the State Board of Education.

(2) Each university board of trustees shall adopt rules, procedures, and policies consistent with law and rules of the State Board of Education relating to its mission and responsibilities as set forth in law, its governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, and university property.

(3) The rules, procedures, and policies for the board of trustees include, but are not limited to, the following:

(a) Each board of trustees shall appoint, suspend, or remove the president of the university. The board of trustees may appoint a presidential search committee.

(b) Each board of trustees shall have responsibility for the establishment and discontinuance of program and course offerings; the provision of instructional and noninstructional community services; the location of classes and services provided; and the dissemination of information concerning the programs and services.

(c) Each board of trustees shall constitute the contracting agent of the university. A board of trustees may, when acting as a body, make contracts, sue, and be sued in the name of the board of trustees.

(d) Whenever the Department of Education finds it necessary for the welfare and convenience of any university to acquire private property for the use of the university, and the property cannot be acquired by agreement satisfactory to the board of trustees of the university and the parties interested in or the owners of the private property, the university board of trustees may exercise the right of eminent domain after receiving approval from the State Board of Education and may then proceed to condemn the property in the manner provided by chapters 73 and 74, Florida Statutes.

(e) Each board of trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property in the best interests of the university, subject to rules adopted by the State Board of Education.

(f) Each board of trustees may adopt rules, procedures, and policies related to the appointment, employment, and removal of personnel. The board shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel, including the president.

Section 19. *Universities; admission of students.—Each university shall govern admission of students, subject to this section and rules of the State Board of Education.*

(1) Minimum academic standards for undergraduate admission to a university must require a student to complete the requirements for a standard high school diploma as prescribed by section 232.246, Florida Statutes. Among courses taken to fulfill the 24 academic credit requirement, a student must take high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses.

(2) A university board of trustees may adopt rules that provide for a limited number of students to be admitted to the university, notwithstanding the admission requirements of subsection (1), if there is evidence that the applicant is expected to do successful academic work at the university. The number of applicants admitted under this subsection may not exceed 5 percent of the total number of freshmen who entered the university the prior academic year.

(3) Nonresident students may be admitted to the university upon such terms as the university may establish. The terms shall include, but need not be limited to, completion of a secondary school curriculum that includes 4 years of English and 3 years each of mathematics, science, and social sciences. The total number of nonresident applicants admitted under this subsection may not exceed 5 percent of the total number of freshmen who entered the university the prior academic year, except for the liberal arts honors program at New College.

Section 20. *Student fees.—*

(1) The student per credit hour matriculation and tuition fee must be the equivalent of 25 percent of the total per credit hour cost of instruction as determined annually by the Legislature in the General Appropriations Act.

(2) Each university board of trustees is authorized to establish separate activity and service and health fees. When duly established, the fees shall be collected as component parts of the matriculation and tuition fees and shall be retained by the university and paid into the separate activity and service and health funds.

Section 21. *For the fiscal year 2000-2001, there is appropriated to the Technological Research and Development Authority from the General Revenue Fund, $250,000 for planning of the Florida School for Science and Technology.*

Section 22. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating s. 231.315, F.S.; providing for the establishment of model peer assistance and review programs; providing for minimum standards; providing for technical assistance and allocations; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring the Technological Research and Development Authority to serve as the fiscal agent for the program; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.08106, F.S.; authorizing a salary bonus for teachers who complete certain training programs; amending s. 236.685, F.S.; requiring a report to include certain information; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; reenacting the Technological Research and Development Authority; establishing the purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; repealing ch. 87-455, Laws of Florida, relating to the Technological Research and Development Authority; providing for the effect of certain contracts, leases, obligations, and agreements; establishing the Florida School for Science and Technology; assigning responsibility for the administration and operation of the school to the Technological Research and Development Authority (TRDA); establishing the purpose and attendance area of the school; providing certain requirements for participation in programs offered by the school; requiring the TRDA to appoint a board of trustees for the school; authorizing the TRDA to delegate responsibilities to the board of trustees; providing exemptions from certain statutes; providing funding requirements; providing for a planning process; providing for student participation in the statewide assessment program; providing criteria for enrollment policies; providing legislative intent; providing for the creation of baccalaureate and master's degree oriented universities; directing the Postsecondary Education Planning Commission to develop an operational plan; providing for the mission and governance of the new universities; providing for admission standards and student fees; providing an appropriation; providing an effective date.

Senator Sullivan moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (703936)(with title amendment)—On page 23, line 17 through page 28, line 22, delete those lines and insert: *(2) There is created and incorporated the Technological Research and Development Authority.*

(3)(a) The authority shall be governed by a commission of seven persons who are residents of this state. The Brevard County Legislative Delegation shall nominate three candidates for each of five commission vacancies, and the Governor shall appoint a member of the commission from the nominees for the vacancy. Further, the Governor shall select and appoint the two remaining members of the commission. The Governor shall appoint each member for a term of 4 years, who shall serve until his or her successor is appointed. If a vacancy occurs during a member's term, the Governor shall appoint a person to fill the vacancy for the remainder of the member's term. The Governor may remove any member for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and subscribe the oath of affirmation required by the State Constitution. The existing board members appointed under chapter 87-455, Laws of Florida, of the existing Technology Research and Development Authority law may serve the remainder of their terms.

(b) The authority shall annually elect one of its members as chair and one as vice chair and may also appoint a secretary who shall serve at the pleasure of the authority. The authority may also appoint such other officers as necessary.

(4) The commission has powers and duties as follows:

(a) To plan and undertake a program of action that promotes scientific research and development and fosters public and private education.

(b) To contract with and support the programs of those accredited educational institutions with a research capability and which have main campuses within this state in the furtherance of the objectives of the authority and to contract with any other accredited educational institution in furtherance of the objectives of the authority to establish public-private partnerships and create, sponsor, and manage not-for-profit entities to implement or facilitate the purposes of the authority.

(c) To make and manage grants and bequests, and to enter into contracts and other agreements with units of government and private parties for the purpose of obtaining funds for projects and programs that further the objectives of the authority.

(d) To establish an annual budget and amend the budget when necessary.

(e) To adopt an official seal and alter it at its pleasure.

(f) To maintain an office at such place or places in Brevard County or elsewhere as it may designate.

(g) To sue and be sued in its own name.

(h) To acquire by lease, purchase, or option real and personal property for any use consistent with the purposes of this act.

(i) To employ personnel, consultants, accountants, attorneys, engineers, and other experts as necessary and convenient in the execution of the powers of the authority.

(5) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 37, lines 12-31, delete those lines and insert: appointment of the commission; providing severability; providing for student

Senator McKay moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (022808)(with title amendment)—On page 34, between lines 30 and 31, insert:

Section 22. Section 229.05371, Florida Statutes, is amended to read:

229.05371 ~~Pilot program;~~ Scholarships to public or private school of choice for students with disabilities.—

(1) *SCHOLARSHIP* ~~PILOT~~ PROGRAM.—There is established a ~~pilot~~ program, which is separate and distinct from the Opportunity Scholarship Program, ~~in the Sarasota school district,~~ to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the ~~pilot~~ program is limited to 5 percent of the students with disabilities in the school district during the first year, 10 percent of students with disabilities during the second year, ~~and~~ 20 percent of students with disabilities during the third *year,* and *no caps in* subsequent years. The following applies to the ~~pilot~~ program:

(a) To be eligible to participate in the ~~pilot~~ program, a private school must meet all requirements of s. 229.0537(4), except for the accreditation requirements of s. 229.0537(4)(f). For purposes of the ~~pilot~~ program, notification under s. 229.0537(4)(b) must be separate from the notification under the Opportunity Scholarship Program.

(b) The school district ~~that participates in the pilot program~~ must comply with the requirements in s. 229.0537(3)(a)2., (c), and (d).

(c) The amount of the scholarship in the ~~pilot~~ program shall be equal to the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the ~~pilot~~ program, a student or parent must:

1. Comply with the eligibility criteria in s. 229.0537(2)(b) and all provisions of s. 229.0537 which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan; or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent must believe that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

(2) The provisions of s. 229.0537(6) and (8) shall apply to the ~~pilot~~ program authorized in this section. This ~~pilot~~ program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 38, line 11, after the semicolon (;) insert: amending s. 229.05371, F.S.; converting a pilot program for scholarships for students with disabilities to statewide application;

Senator Sebesta moved the following amendment to **Amendment 2** which failed:

Amendment 2C (934248)—On page 29, lines 2-4, delete those lines and insert: *universities are as follows: New College in Sarasota County, which shall be*

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **SB 292** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

Consideration of **CS for SB 1028** and **CS for CS for SB 1806** was deferred.

SB 356—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; providing for the allocation of moneys in the fund for health and human services programs and for biomedical research programs; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 356** to **HB 253**.

Pending further consideration of **SB 356** as amended, on motion by Senator King, by two-thirds vote **HB 253** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator King, the rules were waived and—

HB 253—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending s. 215.5601, F.S.; revising legislative intent; providing for the allocation of moneys in the fund for health and human services programs for children and elders and for biomedical research programs; creating the Lawton Chiles Endowment Fund Advisory Council for Children and the Lawton Chiles Endowment Fund Advisory Council for Elders; providing for council members; authorizing reimbursement for travel and other necessary expenses incurred in the performance of official council duties; providing for staff, information, and other assistance; providing duties; amending s. 215.5602, F.S.; placing the Florida Biomedical Research Program under the Department of Health; providing for the purpose of and funding for the program; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 356** as amended and read the second time by title. On motion by Senator King, by two-thirds vote **HB 253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motion by Senator Webster, the Senate resumed consideration of—

SB 2104—A bill to be entitled An act relating to ballot statements and titles; amending s. 101.161, F.S.; providing an exception to ballot statement and title length requirements; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Webster, the Senate reconsidered the vote by which **Amendment 1** failed.

On motion by Senator Webster, the Senate reconsidered the vote by which **Amendment 1A** failed. **Amendment 1A** was adopted.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 2104** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1028—A bill to be entitled An act relating to the unlicensed practice of a health care profession; amending s. 455.637, F.S.; revising provisions relating to sanctions against the unlicensed practice of a health care profession; providing legislative intent; revising and expanding provisions relating to civil and administrative remedies; providing criminal penalties; incorporating and modifying the substance of current provisions that impose a fee to combat unlicensed activity and provide for disposition of the proceeds thereof; providing applicability; repealing s. 455.641, F.S., relating to unlicensed activity fees, to conform; reenacting ss. 455.574(1)(d), 468.1295(1), 484.014(1), 484.056(1), F.S., relating to violation of security provisions for examinations and violations involving speech-language pathology, audiology, opticianry, and the dispensing of hearing aids, to incorporate the amendment to s. 455.637, F.S., in references thereto; creating s. 455.665, F.S.; requiring a specified statement in any advertisement by a health care practitioner for a surgical procedure; amending s. 921.0022, F.S.; modifying the criminal offense severity ranking chart to include offenses relating to unlicensed practice of a health care profession; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment:

Amendment 1 (540324)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Pursuant to section 187 of chapter 99-397, Laws of Florida, the Agency for Health Care Administration was directed to conduct a detailed study and analysis of clinical laboratory services for kidney dialysis patients in the State of Florida and to report back to the Legislature no later than February 1, 2000. The agency reported that additional time and investigative resources were necessary to adequately respond to the legislative directives. Therefore, the sum of $230,000 from the Agency for Health Care Administration Tobacco Settlement Trust Fund is appropriated to the Agency for Health Care Administration to contract with the University of South Florida to conduct a review of laboratory test utilization, any self-referral to clinical laboratories, financial arrangements among kidney dialysis centers, their medical directors, referring physicians, and any business relationships and affiliations with clinical laboratories, and the quality and effectiveness of kidney dialysis treatment in this state. A report on the findings from such review shall be presented to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature no later than February 1, 2001.*

Section 2. Subsections (1) and (3) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(1)*(a)* Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department. *The application form must be available on the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application* ~~and~~ shall require the social security number of the applicant, *except as provided in paragraph (b).* The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. *If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a non-electronic format.* An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

(b) If an applicant has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department may process the application using a unique personal identification number. If such an applicant is otherwise eligible for licensure, the board, or the department when there is no board, may issue a temporary license to the applicant, which shall expire 30 days after issuance unless a social security number is obtained and submitted in writing to the department. Upon receipt of the applicant's social security number, the department shall issue a new license, which shall expire at the end of the current biennium.

(3)*(a)* The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this part or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete*, and the time period in which the licensure application must be granted or denied shall be tolled until 15 days after the receipt of the final results of the investigation or prosecution.*

(b) If an applicant has been convicted of a felony related to the practice or ability to practice any health care profession, the board, or the department when there is no board, may require the applicant to prove that his or her civil rights have been restored.

(c) In considering applications for licensure, the board, or the department when there is no board, may require a personal appearance of the applicant. If the applicant is required to appear, the time period in which a licensure application must be granted or denied shall be tolled until such time as the applicant appears. However, if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, or fails to appear before the department within 30 days if there is no board, the application for licensure shall be denied.

Section 3. Paragraph (d) is added to subsection (4) of section 455.565, Florida Statutes, to read:

455.565 Designated health care professionals; information required for licensure.—

(4)

(d) Any applicant for initial licensure or renewal of licensure as a health care practitioner who submits to the Department of Health a set of fingerprints or information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department if the applicant has undergone a criminal history check as a condition of initial licensure or licensure renewal as a health care practitioner with the Department of Health or any of its regulatory boards, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of health care practitioners by such agency and departments from the Department of Health's health care practitioner credentialing system.

Section 4. Section 455.5651, Florida Statutes, is amended to read:

455.5651 Practitioner profile; creation.—

(1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to s. 455.565 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under s. 455.565(4)(b).

(2) On the profile *published* ~~required~~ under subsection (1), the department shall indicate if the information provided under s. 455.565(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under s. 455.565(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. *The department shall include, with respect to practitioners subject to s. 455.694, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section.* The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other *practitioners* ~~physicians~~ within the same specialty, *or profession if the practitioner is not a specialist,* to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the *practitioner* ~~physician~~. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may not include disciplinary action taken by a licensed hospital or an ambulatory surgical center in the practitioner profile.

(6) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(7) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(8) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

Section 5. Section 455.5653, Florida Statutes, is amended to read:

455.5653 Practitioner profiles; data storage.—Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. ~~The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public.~~ The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution, so that the Department of Health may corroborate any information that *practitioners* ~~physicians~~ are required to report under s. 455.565.

Section 6. Section 455.5654, Florida Statutes, is amended to read:

455.5654 Practitioner profiles; rules; workshops.—Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under s. 455.565.

Section 7. Subsection (1) of section 455.567, Florida Statutes, is amended to read:

455.567 Sexual misconduct; disqualification for license, certificate, or registration.—

(1) Sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, *guardian, or representative* of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

Section 8. Paragraphs (f) and (u) of subsection (1), paragraph (c) of subsection (2), and subsection (3) of section 455.624, Florida Statutes, are amended, and paragraphs (y) and (z) are added to subsection (1) of said section, to read:

455.624 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(f) Having a license or the authority to practice *any* ~~the~~ regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(u) Engaging or attempting to engage *in sexual misconduct as defined and prohibited in s. 455.567(1)* ~~a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity~~.

(y) Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession with reasonable skill and safety to patients.

(z) Testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice *or license.*

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(3)*(a)* Notwithstanding subsection (2), if the ground for disciplinary action is the first-time failure of the licensee to satisfy continuing education requirements established by the board, or by the department if there is no board, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a fine, as determined by the board or department by rule. In addition, for each hour of continuing education not completed or completed late, the board or department, as applicable, may require the licensee to take 1 additional hour of continuing education for each hour not completed or completed late.

(b) Notwithstanding subsection (2), if the ground for disciplinary action is the first-time violation of a practice act for unprofessional conduct, as used in ss. 464.018(1)(h), 467.203(1)(f), 468.365(1)(f), and 478.52(1)(f), and no actual harm to the patient occurred, the board or department, as applicable, shall issue a citation in accordance with s. 455.617 and assess a penalty as determined by rule of the board or department.

Section 9. For the purpose of incorporating the amendment to section 455.624, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.577 Penalty for theft or reproduction of an examination.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the theft of an examination in whole or in part or the act of reproducing or copying any examination administered by the department, whether such examination is reproduced or copied in part or in whole and by any means, constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.631 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.624, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455.651 Disclosure of confidential information.—

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.624, and, if applicable, shall be removed from office, employment, or the contractual relationship.

455.712 Business establishments; requirements for active status licenses.—

(1) A business establishment regulated by the Division of Medical Quality Assurance pursuant to this part may provide regulated services only if the business establishment has an active status license. A business establishment that provides regulated services without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the business establishment.

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties specified in ss. 455.624 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. 455.624 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 455.624(1) or s. 468.1745(1).

468.719 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary actions provided for in subsection (2):

(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 455.624, or any rule adopted pursuant thereto.

(2) When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 455.624.

468.811 Disciplinary proceedings.—

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related

action by the department, pursuant to s. 455.624, against any person who engages in or aids in a violation.

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

(f) Violation of this act or part II of chapter 455, or any rules adopted thereunder.

(g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. 455.624(2) against any person who violates any provision of subsection (1).

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

Section 10. *Section 455.704, Florida Statutes, is repealed.*

Section 11. Subsections (1), (2), and (3) of section 455.707, Florida Statutes, are amended to read:

455.707 Treatment programs for impaired practitioners.—

(1) For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved *impaired practitioner* ~~treatment~~ programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee~~. The rules *may* ~~must~~ specify the manner in which the consultant, *retained as set forth in subsection (2),* works with the department in intervention, requirements for evaluating and treating a professional, and requirements for the continued care and monitoring of a professional by the consultant *by an approved* ~~at a department-approved~~ treatment provider. ~~The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.~~

(2) The department shall retain one or more impaired practitioner consultants ~~as recommended by the committee~~. A consultant shall be a licensee ~~or recovered licensee~~ under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute *grounds for discipline pursuant to s. 455.624 or the corresponding grounds for discipline within the applicable practice act* ~~a complaint within the meaning of s. 455.621~~ if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.

2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.

3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as *required by the consultant* ~~determined by the panel, or the department when there is no board~~, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.

4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

(b) If, however, *the department has not received a legally sufficient complaint and* the licensee agrees to withdraw from practice until such time as the consultant determines the licensee has satisfactorily completed an approved treatment program or evaluation, the probable cause panel, or the department when there is no board, shall not become involved in the licensee's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455.621 and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a licensee is impaired as described in paragraph (a) and no complaint against the licensee other than impairment exists, the department shall forward all information in its possession regarding the impaired licensee to the consultant. For the purposes of this section, a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel, or the department when there is no board, shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel, or the department when there is no board, shall remain confidential and exempt from the provisions of s. 119.07(1), subject to the provisions of subsections (5) and (6).

(f) A finding of probable cause shall not be made as long as the panel, or the department when there is no board, is satisfied, based upon information it receives from the consultant and the department, that the licensee is progressing satisfactorily in an approved *impaired practitioner* ~~treatment~~ program *and no other complaint against the licensee exists.*

Section 12. Subsection (1) of section 310.102, Florida Statutes, is amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(1) The department shall, by rule, designate approved treatment programs for *impaired* pilots and deputy pilots under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers ~~based on the policies and guidelines established by the Impaired Practitioners Committee under s. 455.704~~.

Section 13. Section 455.711, Florida Statutes, is amended to read:

455.711 *Licenses; active and* inactive ~~and delinquent~~ status*; delinquency*.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.624, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. ~~However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.~~

(3) Each board, or the department if there is no board, shall by rule impose a fee for *renewal of* an *active or* inactive status license. *The renewal fee for an inactive status license may not exceed* ~~which is no greater than~~ the fee for an active status license.

(4) *Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.*

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status~~, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department if there is no board, and meets all continuing education requirements as specified in this section~~. *Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.*

(5) A licensee must apply with a complete application, as defined by rule of the board, or the department if there is no board, to renew an active ~~status~~ or inactive status license before the license expires. If a licensee fails to renew before the license expires, the license becomes delinquent in the license cycle following expiration.

(6) A delinquent ~~status~~ licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent ~~status~~ licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department if there is no board, shall by rule impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent ~~status~~ licensee when such licensee applies for active or inactive status.

(8) Each board, or the department if there is no board, shall by rule impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department if there is no board, may by rule impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive *status licensee* or *a* delinquent licensee *who was inactive prior to becoming delinquent* must meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

(13) The board, or the department when there is no board, may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 14. Subsection (3) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(3) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active *status licensee* and each ~~voluntary~~ inactive *status* licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

Section 15. Subsection (1) of section 455.714, Florida Statutes, is amended to read:

455.714 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the department shall:

(a) Forward a licensure renewal notification to an active or inactive *status* licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent ~~status~~ licensee at the licensee's last known address of record with the department.

Section 16. Section 455.719, Florida Statutes, is created to read:

455.719 Health care professionals; exemption from disqualification from employment or contracting.—Any other provision of law to the contrary notwithstanding, only the appropriate regulatory board, or the department when there is no board, may grant an exemption from disqualification from employment or contracting as provided in s. 435.07 to a person under the licensing jurisdiction of that board or the department, as applicable.

Section 17. Section 455.637, Florida Statutes, is amended to read:

455.637 Unlicensed practice of a *health care* profession; *intent;* cease and desist notice; *penalties* ~~civil penalty~~; enforcement; citations; *fees;* allocation *and disposition* of moneys collected.—

(1) It is the intent of the Legislature that vigorous enforcement of licensure regulation for all health care professions is a state priority in

order to protect Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from unlicensed persons whose professional education and training and other relevant qualifications have not been approved through the issuance of a license by the appropriate regulatory board or the department when there is no board. The unlicensed practice of a health care profession or the performance or delivery of medical or health care services to patients in this state without a valid, active license to practice that profession, regardless of the means of the performance or delivery of such services, is strictly prohibited.

(2) The penalties for unlicensed practice of a health care profession shall include the following:

(a)~~(1)~~ When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this part or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order.

(b) In addition to the ~~foregoing~~ remedies *under paragraph (a)*, the department may impose *by citation* an administrative penalty not to exceed $5,000 per incident ~~pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3)~~. *The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules to implement this section. The penalty shall be a fine of not less than $500 nor more than $5,000 as established by rule of the department. Each day that the unlicensed practice continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice.* If the department is required to seek enforcement of the *cease and desist or* agency order ~~for a penalty pursuant to s. 120.569~~, it shall be entitled to collect its attorney's fees and costs~~, together with any cost of collection~~.

(c)~~(2)~~ In addition to or in lieu of any *other administrative* remedy ~~provided in subsection (1)~~, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist ~~under subsection (1)~~. The civil penalty shall be no less than $500 and no more than $5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation *and prosecution*.

(d) In addition to the administrative and civil remedies under paragraphs (b) and (c) and in addition to the criminal violations and penalties listed in the individual health care practice acts:

1. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice, attempt to practice, or offer to practice a health care profession without an active, valid Florida license to practice that profession. Practicing without an active, valid license also includes practicing on a suspended, revoked, or void license, but does not include practicing, attempting to practice, or offering to practice with an inactive or delinquent license for a period of up to 12 months which is addressed in subparagraph 3. Applying for employment for a position that requires a license without notifying the employer that the person does not currently possess a valid, active license to practice that profession shall be deemed to be an attempt or offer to practice that health care profession without a license. Holding oneself out, regardless of the means of communication, as able to practice a health care profession or as able to provide services that require a health care license shall be deemed to be an attempt or offer to practice such profession without a license. The minimum penalty for violating this subparagraph shall be a fine of $1,000 and a minimum mandatory period of incarceration of 1 year.

2. It is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to practice a health care profession without an active, valid Florida license to practice that profession when such practice results in serious bodily injury. For purposes of this section, "serious bodily injury" means death; brain or spinal damage; disfigurement; fracture or dislocation of bones or joints; limitation of neurological, physical, or sensory function; or any condition that required subsequent surgical repair. The minimum penalty for violating this subparagraph shall be a fine of $1,000 and a minimum mandatory period of incarceration of 1 year.

3. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to practice, attempt to practice, or offer to practice a health care profession with an inactive or delinquent license for any period of time up to 12 months. However, practicing, attempting to practice, or offering to practice a health care profession when that person's license has been inactive or delinquent for a period of time of 12 months or more shall be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The minimum penalty for violating this subparagraph shall be a term of imprisonment of 30 days and a fine of $500.

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of $5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. The board with concurrence of the department, or the department when there is no board, may earmark $5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.587. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

~~(3)(a) Notwithstanding the provisions of s. 455.621, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621. If the subject disputes the matter in the citation, the procedures set forth in s. 455.621 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than $500 or more than $5,000 or other conditions as established by rule.~~

~~(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.~~

~~(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.~~

~~(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.~~

~~(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.641 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.~~

(4)~~(5)~~ The provisions of this section apply only to *health care* ~~the~~ professional practice acts administered by the department.

(5) Nothing herein shall be construed to limit or restrict the sale, use, or recommendation of the use of a dietary supplement, as defined by the Food, Drug, and Cosmetic Act, Title 21, s. 321, so long as the person selling, using, or recommending the dietary supplement does so in compliance with federal and state law and does not hold himself or herself out to be a health care practitioner as defined in s. 455.501(4).

Section 18. *The amendment of s. 455.637, Florida Statutes, by this act applies to offenses committed on or after the effective date of such section.*

Section 19. *Section 455.641, Florida Statutes, is repealed.*

Section 20. For the purpose of incorporating the amendment to section 455.637, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.574 Department of Health; examinations.—

(1)

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules.

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.637:

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, part II of chapter 455, or any rule adopted pursuant thereto.

(m) Violating any provision of this part or part II of chapter 455 or any rule adopted pursuant thereto.

(n) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(o) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(v) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such

person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of part II of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 455.637 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 455.624(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

(h) Violation or repeated violation of this part or of part II of chapter 455, or any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing with a revoked, suspended, inactive, or delinquent license.

(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(v) Failing to provide all information as described in s. 484.051(1).

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

Section 21. Paragraphs (a) and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than $200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
~~458.327(1)(a)~~	~~3rd~~	~~Unlicensed practice of medicine.~~
~~466.026(1)(a)~~	~~3rd~~	~~Unlicensed practice of dentistry or dental hygiene.~~
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than $300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than $50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.

Florida Statute	Felony Degree	Description
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
455.637(2)	*3rd*	*Practicing a health care profession without a license.*
455.637(2)	*2nd*	*Practicing a health care profession without a license which results in serious bodily injury.*
458.327(1)	*3rd*	*Practicing medicine without a license.*
459.013(1)	*3rd*	*Practicing osteopathic medicine without a license.*
460.411(1)	*3rd*	*Practicing chiropractic medicine without a license.*
461.012(1)	*3rd*	*Practicing podiatric medicine without a license.*
462.17	*3rd*	*Practicing naturopathy without a license.*
463.015(1)	*3rd*	*Practicing optometry without a license.*
464.016(1)	*3rd*	*Practicing nursing without a license.*
465.015(2)	*3rd*	*Practicing pharmacy without a license.*
466.026(1)	*3rd*	*Practicing dentistry or dental hygiene without a license.*
467.201	*3rd*	*Practicing midwifery without a license.*
468.366	*3rd*	*Delivering respiratory care services without a license.*
483.828(1)	*3rd*	*Practicing as clinical laboratory personnel without a license.*
483.901(9)	*3rd*	*Practicing medical physics without a license.*
484.053	*3rd*	*Dispensing hearing aids without a license.*
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

Florida Statute	Felony Degree	Description
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

Section 22. Subsection (1) of section 458.327, Florida Statutes, reads:

458.327 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of medicine or an attempt to practice medicine without a license to practice in Florida.

(b) The use or attempted use of a license which is suspended or revoked to practice medicine.

(c) Attempting to obtain or obtaining a license to practice medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as a medical practitioner or medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

Section 23. Subsection (1) of section 459.013, Florida Statutes, reads:

459.013 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of osteopathic medicine, or an attempt to practice osteopathic medicine, without an active license or certificate issued pursuant to this chapter.

(b) The practice of osteopathic medicine by a person holding a limited license, osteopathic faculty certificate, or other certificate issued under this chapter beyond the scope of practice authorized for such licensee or certificateholder.

(c) Attempting to obtain or obtaining a license to practice osteopathic medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as an osteopathic medical practitioner or osteopathic medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

Section 24. Subsection (1) of section 460.411, Florida Statutes, reads:

460.411 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice chiropractic medicine without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice chiropractic medicine which has been suspended or revoked.

Section 25. Subsection (1) of section 461.012, Florida Statutes, reads:

461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice podiatric medicine without an active license or with a license fraudulently obtained.

(b) Advertising podiatric services without an active license obtained pursuant to this chapter or with a license fraudulently obtained.

(c) Using or attempting to use a license to practice podiatric medicine which has been suspended or revoked.

Section 26. Section 462.17, Florida Statutes, reads:

462.17 Penalty for offenses relating to naturopathy.—Any person who shall:

(1) Sell, fraudulently obtain, or furnish any naturopathic diploma, license, record, or registration or aid or abet in the same;

(2) Practice naturopathy under the cover of any diploma, license, record, or registration illegally or fraudulently obtained or secured or issued unlawfully or upon fraudulent representations;

(3) Advertise to practice naturopathy under a name other than her or his own or under an assumed name;

(4) Falsely impersonate another practitioner of a like or different name;

(5) Practice or advertise to practice naturopathy or use in connection with her or his name any designation tending to imply or to designate the person as a practitioner of naturopathy without then being lawfully licensed and authorized to practice naturopathy in this state; or

(6) Practice naturopathy during the time her or his license is suspended or revoked

shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Subsection (1) of section 463.015, Florida Statutes, reads:

463.015 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice optometry without a valid active license issued pursuant to this chapter.

(b) Attempting to obtain or obtaining a license to practice optometry by fraudulent misrepresentation.

(c) Using or attempting to use a license to practice optometry which has been suspended or revoked.

Section 28. Subsection (1) of section 464.016, Florida Statutes, reads:

464.016 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing advanced or specialized, professional or practical nursing, as defined in this chapter, unless holding an active license or certificate to do so.

(b) Using or attempting to use a license or certificate which has been suspended or revoked.

(c) Knowingly employing unlicensed persons in the practice of nursing.

(d) Obtaining or attempting to obtain a license or certificate under this chapter by misleading statements or knowing misrepresentation.

Section 29. Subsection (2) of section 465.015, Florida Statutes, reads:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To fill, compound, or dispense prescriptions or to dispense medicinal drugs if such person does not hold an active license as a pharmacist in this state, is not registered as an intern in this state, or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist.

(c) To sell or dispense drugs as defined in s. 465.003(8) without first being furnished with a prescription.

(d) To sell samples or complimentary packages of drug products.

Section 30. Subsection (1) of section 466.026, Florida Statutes, reads:

466.026 Prohibitions; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing dentistry or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter.

(b) Using or attempting to use a license issued pursuant to this chapter which license has been suspended or revoked.

(c) Knowingly employing any person to perform duties outside the scope allowed such person under this chapter or the rules of the board.

(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.

(e) Selling or offering to sell a diploma conferring a degree from a dental college or dental hygiene school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it shall be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.

Section 31. Section 467.201, Florida Statutes, reads:

467.201 Violations and penalties.—Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(1) Practicing midwifery, unless holding an active license to do so.

(2) Using or attempting to use a license which has been suspended or revoked.

(3) The willful practice of midwifery by a student midwife without a preceptor present, except in an emergency.

(4) Knowingly allowing a student midwife to practice midwifery without a preceptor present, except in an emergency.

(5) Obtaining or attempting to obtain a license under this chapter through bribery or fraudulent misrepresentation.

(6) Using the name or title “midwife” or “licensed midwife” or any other name or title which implies that a person is licensed to practice midwifery, unless such person is duly licensed as provided in this chapter.

(7) Knowingly concealing information relating to the enforcement of this chapter or rules adopted pursuant thereto.

Section 32. Section 468.366, Florida Statutes, reads:

468.366 Penalties for violations.—

(1) It is a violation of law for any person, including any firm, association, or corporation, to:

(a) Sell or fraudulently obtain, attempt to obtain, or furnish to any person a diploma, license, or record, or aid or abet in the sale, procurement, or attempted procurement thereof.

(b) Deliver respiratory care services, as defined by this part or by rule of the board, under cover of any diploma, license, or record that was illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(c) Deliver respiratory care services, as defined by this part or by rule of the board, unless such person is duly licensed to do so under the provisions of this part or unless such person is exempted pursuant to s. 468.368.

(d) Use, in connection with his or her name, any designation tending to imply that he or she is a respiratory care practitioner or a respiratory therapist, duly licensed under the provisions of this part, unless he or she is so licensed.

(e) Advertise an educational program as meeting the requirements of this part, or conduct an educational program for the preparation of respiratory care practitioners or respiratory therapists, unless such program has been approved by the board.

(f) Knowingly employ unlicensed persons in the delivery of respiratory care services, unless exempted by this part.

(g) Knowingly conceal information relative to any violation of this part.

(2) Any violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 33. Subsection (1) of section 483.828, Florida Statutes, reads:

483.828 Penalties for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) Using or attempting to use a license to practice as clinical laboratory personnel which is suspended or revoked.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

Section 34. Subsection (9) of section 483.901, Florida Statutes, reads:

483.901 Medical physicists; definitions; licensure.—

(9) PENALTY FOR VIOLATIONS.—It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to:

(a) Practice or attempt to practice medical physics or hold oneself out to be a licensed medical physicist without holding an active license.

(b) Practice or attempt to practice medical physics under a name other than one's own.

(c) Use or attempt to use a revoked or suspended license or the license of another.

Section 35. Section 484.053, Florida Statutes, reads:

484.053 Prohibitions; penalties.—

(1) A person may not:

(a) Practice dispensing hearing aids unless the person is a licensed hearing aid specialist;

(b) Use the name or title "hearing aid specialist" when the person has not been licensed under this part;

(c) Present as her or his own the license of another;

(d) Give false, incomplete, or forged evidence to the board or a member thereof for the purposes of obtaining a license;

(e) Use or attempt to use a hearing aid specialist license that is delinquent or has been suspended, revoked, or placed on inactive status;

(f) Knowingly employ unlicensed persons in the practice of dispensing hearing aids; or

(g) Knowingly conceal information relative to violations of this part.

(2) Any person who violates any of the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed under this part allows the sale of a hearing aid by an unlicensed person not registered as a trainee or fails to comply with the requirements of s. 484.0445(2) relating to supervision of trainees, the board shall, upon determination of that violation, order the full refund of moneys paid by the purchaser upon return of the hearing aid to the seller's place of business.

Section 36. Subsection (1) of section 457.102, Florida Statutes, is amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body *and the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies, as defined by board rule.*

Section 37. Section 457.105, Florida Statutes, is amended to read:

457.105 Licensure qualifications and fees.—

(1) It is unlawful for any person to practice acupuncture in this state unless such person has been licensed by the board, is in a board-approved course of study, or is otherwise exempted by this chapter.

(2) A person may become licensed to practice acupuncture if the person applies to the department and:

(a) Is *21* ~~18~~ years of age or older, *has good moral character, and has the ability to communicate in English, which is demonstrated by having passed the national written examination in English or, if such examination was passed in a foreign language, by also having passed a nationally recognized English proficiency examination*;

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001, a 4-year course of study in acupuncture and oriental medicine, which meets standards established by the board by rule, which standards include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, western pathology, western biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR). However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology;

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state that has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture *and oriental medicine*. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice *modern and traditional* acupuncture *and oriental medicine*, covering diagnostic and treatment techniques and procedures; and

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

2. Application fee: $300.

3. Reexamination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

4. Initial biennial licensure fee: $400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium.

Section 38. Subsection (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board by rule, not to exceed *$500* ~~$700~~.

Section 39. Section 483.824, Florida Statutes, is amended to read:

483.824 Qualifications of clinical laboratory director.—A clinical laboratory director must have 4 years of clinical laboratory experience with 2 years of experience in the specialty to be directed or be nationally board certified in the specialty to be directed, and must meet one of the following requirements:

(1) Be a physician licensed under chapter 458 or chapter 459;

(2) Hold an earned doctoral degree in a chemical, physical, or biological science from a regionally accredited institution and *maintain national certification requirements equal to those required by the federal Health Care Financing Administration* ~~be nationally certified~~; or

(3) For the subspecialty of oral pathology, be a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466.

Section 40. *February 6th of each year is designated Florida Alzheimer's Disease Day.*

Section 41. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; amending s. 455.564, F.S.; revising general licensing provisions for professions under the jurisdiction of the Department of Health; providing for processing of applications from foreign or nonresident applicants not yet having a social security number; providing for temporary licensure of such applicants; revising provisions relating to ongoing criminal investigations or prosecutions; requiring proof of restoration of civil rights under certain circumstances; authorizing requirement for personal appearance prior to grant or denial of a license; providing for tolling of application decision deadlines under certain circumstances; amending s. 455.565, F.S.; eliminating duplicative submission of fingerprints and other information required for criminal history checks; providing for certain access to criminal history information through the department's health care practitioner credentialing system; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete language relating to scheduling and development of practitioner profiles for additional health care practitioners; providing the department access to information on health care practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; amending s. 455.567, F.S.; expanding the prohibition against sexual misconduct to cover violations against guardians and representatives of patients or clients; providing penalties; amending s. 455.624, F.S.; revising and providing grounds for disciplinary action relating to having a license to practice a regulated health care profession acted against, sexual misconduct, inability to practice properly due to alcohol or substance abuse or a mental or physical condition, and testing positive for a drug without a lawful prescription therefor; providing for restriction of license as a disciplinary action; providing for issuance of a citation and assessment of a fine for certain first-time violations; reenacting ss. 455.577, 455.631, 455.651(2), 455.712(1), 458.347(7)(g), 459.022(7)(f), 468.1755(1)(a), 468.719(1)(a) and (2), 468.811, and 484.056(1)(a), F.S., relating to theft or reproduction of an examination, giving false information, disclosure of confidential information, business establishments providing regulated services without an active status license, and practice violations by physician assistants, nursing home administrators, athletic trainers, orthotists, prosthetists, pedorthists, and hearing aid specialists, to incorporate the amendment to s. 455.624, F.S., in references thereto; repealing s. 455.704, F.S., relating to the Impaired Practitioners Committee; amending s. 455.707, F.S., relating to impaired practitioners, to conform; clarifying provisions relating to complaints against impaired practitioners; amending s. 310.102, F.S.; revising and removing references, to conform; amending s. 455.711, F.S.; revising provisions relating to active and inactive status licensure; eliminating reference to delinquency as a licensure status; providing rulemaking authority; amending ss. 455.587 and 455.714, F.S.; revising references, to conform; creating s. 455.719, F.S.; providing that the appropriate medical regulatory board, or the department when there is no board, has exclusive authority to grant exemptions from disqualification from employment or contracting with respect to persons under the licensing jurisdiction of that board or the department, as applicable; amending s. 943.0585, F.S.; providing expunged criminal history records to the department under certain circumstances; amending s. 943.059, F.S.; providing sealed criminal history records to the department under certain circumstances; amending s. 455.637, F.S.; revising provisions relating to sanctions against the unlicensed practice of a health care profession; providing legislative intent; revising and expanding provisions relating to civil and administrative remedies; providing criminal penalties; incorporating and modifying the substance of current provisions that impose a fee to combat unlicensed activity and provide for disposition of the proceeds thereof; providing statutory construction relating to dietary supplements; providing applicability; repealing s. 455.641, F.S., relating to unlicensed activity fees, to conform; reenacting ss. 455.574(1)(d), 468.1295(1), 484.014(1), and 484.056(1), F.S., relating to violation of security provisions for examinations and violations involving speech-language pathology, audiology, opticianry, and the dispensing of hearing aids, to incorporate the amendment to s. 455.637, F.S., in references thereto; amending s. 921.0022, F.S.; modifying the criminal offense severity ranking chart to add or increase the level of various offenses relating to the practice of a health care profession, the practice of medicine, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, dental hygiene, midwifery, respiratory therapy, and medical physics, practicing as clinical laboratory personnel, and the dispensing of hearing aids; amending s. 457.102, F.S.; revising the definition of "acupuncture"; amending s. 457.105, F.S.; revising licensure qualifications to practice acupuncture; amending s. 457.107, F.S.; modifying the fee for renewal of a license to practice acupuncture; amending s. 483.824, F.S.; revising qualifications of clinical laboratory directors; designating Florida Alzheimer's Disease Day; providing an effective date.

WHEREAS, the protection of Florida residents and visitors from death or serious bodily injury that may be caused by unlicensed health care practitioners is a state priority, and

WHEREAS, the existing criminal prohibitions have not been vigorously enforced in the past, and

WHEREAS, the existing penalties are not severe enough to deter the unlicensed practice of the health care professions, and

WHEREAS, persons convicted of practicing without a license should be imprisoned so they cannot continue to hurt Floridians, and

WHEREAS, persons convicted of practicing without a license who are not citizens of this country should be deported following incarceration to guarantee that they cannot continue to endanger Floridians, NOW, THEREFORE,

Senator Campbell moved the following amendment to **Amendment 1**:

Amendment 1A (783276)(with title amendment)—On page 30, lines 28-31, delete those lines and insert: *with federal and state law.*

Section 18. Section 458.3135, Florida Statutes, is created to read:

458.3135 Temporary certificate for visiting physicians to practice in approved cancer centers.—

(1) Any physician who has been accepted for a course of training by a cancer center approved by the board and who meets all of the qualifications set forth in this section may be issued a temporary certificate to practice in a board-approved cancer center under the International Cancer Center Visiting Physician Program. A certificate may be issued to a physician who will be training under the direct supervision of a physician employed by or under contract with an approved cancer center for a period of no more than 1 year. The purpose of the International Cancer Center Visiting Physician Program is to provide to internationally respected and highly qualified physicians advanced education and training on cancer treatment techniques developed at an approved cancer center. The board may issue this temporary certificate in accordance with the restrictions set forth in this section.

(2) A temporary certificate for practice in an approved cancer center may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid and unencumbered license to practice medicine in another country;

(c) Has completed the application form adopted by the board and remitted a nonrefundable application fee not to exceed $300;

(d) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 455.624 or s. 458.331;

(e) Meets the financial responsibility requirements of s. 458.320; and

(f) Has been accepted for a course of training by a cancer center approved by the board.

(3) The board shall by rule establish qualifications for approval of cancer centers under this section, which at a minimum shall require the cancer center to be licensed under chapter 395 and have met the standards required to be a National Cancer Institute-designated cancer center. The board shall review the cancer centers approved under this section not less than annually to ascertain that the minimum requirements of this chapter and the rules adopted thereunder are being complied with. If it is determined that such minimum requirements are not being met by an approved cancer center, the board shall rescind its approval of that cancer center and no temporary certificate for that cancer center shall be valid until such time as the board reinstates its approval of that cancer center.

(4) A recipient of a temporary certificate for practice in an approved cancer center may use the certificate to practice for the duration of the course of training at the approved cancer center so long as the duration of the course does not exceed 1 year. If at any time the cancer center is no longer approved by the board, the temporary certificate shall expire and the recipient shall no longer be authorized to practice in this state.

(5) A recipient of a temporary certificate for practice in an approved cancer center is limited to practicing in facilities owned or operated by that approved cancer center and is limited to only practicing under the direct supervision of a physician who holds a valid, active, and unencumbered license to practice medicine in this state issued under this chapter or chapter 459.

(6) The board shall not issue a temporary certificate for practice in an approved cancer center to any physician who is under investigation in another jurisdiction for an act that would constitute a violation of this chapter or chapter 455 until such time as the investigation is complete and the physician is found innocent of all charges.

(7) A physician applying under this section is exempt from the requirements of ss. 455.565-455.5656. All other provisions of chapters 455 and 458 apply.

(8) In any year, the maximum number of temporary certificates that may be issued by the board under this section may not exceed 10 at each approved cancer center.

(9) The board may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

(10) Nothing in this section may be construed to authorize a physician who is not licensed to practice medicine in this state to qualify for or otherwise engage in the practice of medicine in this state, except as provided in this section.

Section 19. Paragraph (i) of subsection (1), and subsection (4) of section 458.3145, Florida Statutes, are amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed $500;

(d) Has completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement;

(e) Is at least 21 years of age;

(f) Is of good moral character;

(g) Has not committed any act in this or any other jurisdiction which would constitute the basis for disciplining a physician under s. 458.331;

(h) For any applicant who has graduated from medical school after October 1, 1992, has completed, before entering medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by rule of the board, which must include, at a minimum, courses in such fields as anatomy, biology, and chemistry; and

(i) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at:

1. The University of Florida,

2. The University of Miami,

3. The University of South Florida, ~~or~~

4. The Florida State University, or

5~~4~~. The Mayo *Medical School at the Mayo* Clinic *in* Jacksonville, Florida.

(2) The certificate authorizes the holder to practice only in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing. Such certificate automatically expires when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and provides certification by the dean of the medical school that the holder is a distinguished medical scholar and an outstanding practicing physician.

(3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities prescribed by law for the holder of a license issued under s. 458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital or ambulatory surgical center licensed under chapter 395, health maintenance organization certified under chapter 641, insurer as defined in s. 624.03, multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 15 persons at each institution named in subparagraphs (1)(i)1.-*4*~~3~~. and at the facility named in s. 240.512 and may not exceed 5 persons at the institution named in subparagraph (1)(i)*5*~~4~~.

5. Annual review of all such certificate recipients will be made by the deans of the accredited 4-year medical schools within this state and reported to the Board of Medicine.

(5) Notwithstanding subsection (1), any physician, when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state or at the request of the medical director of a statutory teaching hospital as defined in s. 408.07, may do so upon registration with the board and demonstration of financial responsibility pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5)(a). The performance of such medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days, and must be rendered within a facility registered under subsection (2) or within a statutory teaching hospital as defined in s. 408.07. A registration fee not to exceed $300, as set by the board, is required of each physician registered under this subsection. However, no more than three physicians per year per institution may be registered under this subsection, and an exemption under this subsection may not be granted to a physician more than once in any given 5-year period.

Section 20. Subsection (5) is added to section 458.315, Florida Statutes, to read:

458.315 Temporary certificate for practice in areas of critical need.—Any physician who is licensed to practice in any other state, whose

license is currently valid, and who pays an application fee of $300 may be issued a temporary certificate to practice in communities of Florida where there is a critical need for physicians. A certificate may be issued to a physician who will be employed by a county health department, correctional facility, community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act, or other entity that provides health care to indigents and that is approved by the State Health Officer. The Board of Medicine may issue this temporary certificate with the following restrictions:

(5) The application fee and all licensure fees, including neurological injury compensation assessments, shall be waived for those persons obtaining a temporary certificate to practice in areas of critical need for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit an affidavit from the employing agency or institution stating that the physician will not receive any compensation for any service involving the practice of medicine.

Section 21. Section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2),* who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(a) Is at least 21 years of age.

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

(c) Is a graduate of a medical school or college as specified in s. 458.311(1)(f).

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

(3) Every hospital *or teaching hospital* employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall designate a person who shall, on dates designated by the board, in consultation with the department, furnish the department with a list of *such* ~~the~~ hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

(4) Registration under this section shall automatically expire after 2 years without further action by the board or the department unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training ~~which leads to a subspecialty board certification~~ in a hospital *or teaching hospital* of this state for more than 2 years without a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed $300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, interns, and fellows in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall be exempt from payment of any renewal fees.

(5) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 458.331.

(6) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* ~~the~~ hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

(7) Any person willfully violating this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The board shall promulgate rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 22. Subsection (3) of section 458.348, Florida Statutes, is created to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459.

Section 23. Section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, *or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2),* who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days of commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(2) Any person required to be registered under this section shall renew such registration annually. Such registration shall be terminated upon the registrant's receipt of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

(3) Every hospital *or teaching hospital* having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training *registered under this section* ~~which leads to subspecialty board certification~~ shall designate a person who shall furnish, on dates designated by the board, in consultation with the department, to the department a list of all such persons who have served in *such* ~~the~~ hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(4) The registration may be revoked or the department may refuse to issue any registration for any cause which would be a ground for its revocation or refusal to issue a license to practice osteopathic medicine, as well as on the following grounds:

(a) Omission of the name of an intern, resident physician, assistant resident physician, house physician, or fellow in fellowship training from the list of employees required by subsection (3) to be furnished to the department by the hospital *or teaching hospital* served by the employee.

(b) Practicing osteopathic medicine outside of a bona fide hospital training program.

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 for any hospital *or teaching hospital*, and also for the superintendent, administrator, and other person or persons having administrative authority in *such* ~~a~~ hospital:

(a) To employ the services in *such* ~~the~~ hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of a license to practice osteopathic medicine under this chapter.

(b) To fail to furnish to the department the list and information required by subsection (3).

(6) Any person desiring registration pursuant to this section shall meet all the requirements of s. 459.0055.

(7) The board shall promulgate rules *pursuant to ss. 120.536(1) and 120.54* as necessary to implement this section.

(8) Notwithstanding any provision of this section or s. 120.52 to the contrary, any person who is registered under this section is subject to the provisions of s. 459.015.

(9) A person registered as a resident physician under this section may in the normal course of his or her employment prescribe medicinal drugs described in schedules set out in chapter 893 when:

(a) The person prescribes such medicinal drugs through use of a Drug Enforcement Administration number issued to the hospital *or teaching hospital* by which the person is employed or at which the person's services are used;

(b) The person is identified by a discrete suffix to the identification number issued to *such* ~~the~~ hospital; and

(c) The use of the institutional identification number and individual suffixes conforms to the requirements of the federal Drug Enforcement Administration.

Section 24. Subsection (nn) is added to section 458.331(1), Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.

Section 25. Subsection (pp) is added to section 459.015(1), Florida Statutes, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) Delegating ocular post-operative responsibilities to a person not licensed under chapters 458 or 459.

Section 26. Paragraph (d) is added to subsection (9) of section 458.347, Florida Statutes, to read:

458.347 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine. One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or his or her designee shall appoint a fully licensed physician assistant licensed under this chapter or chapter 459.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under this chapter and chapter 459, except for rules relating to the formulary developed under paragraph (4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

(d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:

1. Refuse to certify the applicant for licensure;

2. Approve the applicant for licensure with restrictions on the scope of practice or license; or

3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

Section 27. Paragraph (d) is added to subsection (9) of section 459.022, Florida Statutes, to read:

459.022 Physician assistants.—

(9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on Physician Assistants is created within the department.

(a) The council shall consist of five members appointed as follows:

1. The chairperson of the Board of Medicine shall appoint three members who are physicians and members of the Board of Medicine.

One of the physicians must supervise a physician assistant in the physician's practice.

2. The chairperson of the Board of Osteopathic Medicine shall appoint one member who is a physician and a member of the Board of Osteopathic Medicine.

3. The secretary of the department or her or his designee shall appoint a fully licensed physician assistant licensed under chapter 458 or this chapter.

(b) Two of the members appointed to the council must be physicians who supervise physician assistants in their practice. Members shall be appointed to terms of 4 years, except that of the initial appointments, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and one member shall be appointed to a term of 4 years, as established by rule of the boards. Council members may not serve more than two consecutive terms. The council shall annually elect a chairperson from among its members.

(c) The council shall:

1. Recommend to the department the licensure of physician assistants.

2. Develop all rules regulating the use of physician assistants by physicians under chapter 458 and this chapter, except for rules relating to the formulary developed under s. 458.347(4)(f). The council shall also develop rules to ensure that the continuity of supervision is maintained in each practice setting. The boards shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council. A proposed rule submitted by the council may not be adopted by either board unless both boards have accepted and approved the identical language contained in the proposed rule. The language of all proposed rules submitted by the council must be approved by both boards pursuant to each respective board's guidelines and standards regarding the adoption of proposed rules. If either board rejects the council's proposed rule, that board must specify its objection to the council with particularity and include any recommendations it may have for the modification of the proposed rule.

3. Make recommendations to the boards regarding all matters relating to physician assistants.

4. Address concerns and problems of practicing physician assistants in order to improve safety in the clinical practices of licensed physician assistants.

(d) When the Council finds that an applicant for licensure has failed to meet, to the Council's satisfaction, each of the requirements for licensure set forth in this section, the Council may enter an order to:

1. Refuse to certify the applicant for licensure;

2. Approve the applicant for licensure with restrictions on the scope of practice or license; or

3. Approve the applicant for conditional licensure. Such conditions may include placement of the licensee on probation for a period of time and subject to such conditions as the Council may specify, including but not limited to, requiring the licensee to undergo treatment, to attend continuing education courses, to work under the direct supervision of a physician licensed in this state, or to take corrective action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 67, line 9, after the semicolon (;) insert: creating s. 458.3135, F.S.; providing for temporary certification for visiting physicians to practice in approved cancer centers; providing certification requirements; providing fees; providing for approval of cancer centers and annual review of such approval; providing practice limitations and conditions; limiting the number of certificates that may be issued; providing rulemaking authority; amending s. 458.3145, F.S.; adding medical schools to list of programs at which medical faculty certificateholders may practice; amending s. 458.315, F.S.; waiving application and licensure fees for physicians obtaining a temporary certificate to practice in areas of critical need when such practice is limited to volunteer, uncompensated care for low-income persons; amending ss. 458.345 and 459.021, F.S.; providing for registration of persons desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a statutory teaching hospital; providing requirements; providing fees; providing penalties; providing rulemaking authority; amending s. 458.348, F.S.; requiring protocols to contain specified requirements; creating s. 458.331(1)(nn), F.S.; providing ground for discipline; creating s. 459.015(1)(pp), F.S., providing ground for discipline; amending s. 458.347, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license; amending s. 459.022, F.S.; providing authority to the Council on Physician Assistants to refuse to certify an applicant for licensure or place restrictions or conditions on license;

On motion by Senator Campbell, further consideration of **CS for SB 1028** with pending **Amendment 1** and **Amendment 1A** was deferred.

Consideration of **CS for SB 1864** was deferred.

On motion by Senator Carlton—

CS for SB 430—A bill to be entitled An act relating to emergency management planning; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; creating s. 381.0303, F.S.; providing for recruitment of health care practitioners for special needs shelters; providing for reimbursement and funding; providing duties of the Department of Health, the county health departments, and the local emergency management agencies; authorizing use of a health care practitioner registry; authorizing establishment of a special needs shelter interagency committee; providing membership and responsibilities; providing for rules; creating s. 400.492, F.S.; requiring home health agencies to prepare a comprehensive emergency management plan; specifying plan requirements; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for rules; providing for plan review and approval; providing for plan review and approval for home health agencies and hospices operating in more than one county; providing an exception to comprehensive emergency management plan requirements; amending s. 400.506, F.S.; requiring nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan; specifying plan requirements; providing for plan review; amending s. 400.605, F.S.; requiring the Department of Elderly Affairs to include components for comprehensive emergency management plan in its rules establishing minimum standards for a hospice; amending s. 400.6095, F.S.; requiring that certain emergency care and service information be included in hospice patients' medical records; creating s. 401.273, F.S.; providing for establishment of a registry of emergency medical technicians and paramedics for disasters and emergencies; clarifying the functions of emergency medical technicians and paramedics; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish uniform standards of care for special needs shelters; creating s. 455.718, F.S.; providing for establishment of a health practitioner registry for disasters and emergencies; requiring emergency and disaster planning provisions in certain state agency provider contracts; specifying minimum contract requirements; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendments which were moved by Senator Carlton and adopted:

Amendment 1 (094470)—On page 7, delete line 20 and insert: *Association; the Florida Assisted Living Association; the Florida Hospital Association; the Florida*

Amendment 2 (804694)—On page 12, lines 5 and 6, delete those lines and insert:

(15) Nurse registries shall assist persons who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities in registering with the appropriate local

Amendment 3 (095238)—On page 17, lines 22-27, delete those lines and insert:

(2) A procedure to contact, prior to or immediately following an emergency or disaster, all persons, on a priority basis, who need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities and whose care is provided under the contract.

(3) A procedure to help persons who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities register with the local emergency management agency as provided in section 252.355, Florida Statutes.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Carlton and failed:

Amendment 4 (581248)(with title amendment)—On page 18, lines 4-15, delete those lines and insert:

Section 13. *Each provision of this bill will be implemented to the extent that funds are specifically appropriated in the General Appropriations Act for FY 2000-2001 or that funds are available from federal or local sources for a specific provision.*

And the title is amended as follows:

On page 2, delete line 25 and insert: requirements;

Senator Carlton moved the following amendments which were adopted:

Amendment 5 (854196)(with title amendment)—On page 8, between lines 6 and 7, insert:

(7) REVIEW OF EMERGENCY MANAGEMENT PLANS.—The submission of emergency management plans to county health departments by home health agencies pursuant to s. 400.497(11)(c) and (d) and by nurse registries pursuant to s. 400.506(16)(e) and by hospice programs pursuant to s. 400.610(1)(b) is conditional upon the receipt of an appropriation by the department to establish medical services disaster coordinator positions in county health departments unless the Secretary of the department and a local county commission jointly determine to require such plans to be submitted based on a determination that there is a special need to protect public health in the local area during an emergency.

And the title is amended as follows:

On page 1, line 17, after "rules;" insert: providing for review of emergency management plans;

Amendment 6 (475322)—On page 18, lines 4-15, delete those lines and insert:

Section 13. *(1) There is appropriated $600,000 for fiscal year 2000-2001 from the General Revenue Fund and two full-time equivalent positions to the Department of Health to implement this act.*

(2) Each provision of this act will be implemented to the extent that funds are specifically appropriated for it or that funds are available from federal or local sources for a specific provision.

Pursuant to Rule 4.19, **CS for SB 430** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 1448—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term "mental retardation"; prohibiting the imposition of a sentence of death on a defendant who suffers from mental retardation if the mental retardation is directly related to the defendant's conduct at the time of the crime; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant suffers from mental retardation; providing for an determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; amending ss. 921.141, 921.142, F.S.; providing for a defendant's mental retardation to be considered as a mitigating circumstance by the jury for purposes of the advisory sentence recommended by the jury in a capital felony or a capital drug-trafficking felony; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendments which were adopted:

Amendment 1 (683466)—On page 2, lines 15 and 16, delete those lines and insert: *and Family Services shall adopt rules to specify the standardized intelligence tests as provided in this subsection.*

Amendment 2 (482798)—On page 2, line 31 through page 3, line 7, delete those lines and insert: *the jury, to determine the applicability of subsection (2) before conducting sentencing proceedings under s. 921.141 or s. 921.142. If the court determines that the defendant has demonstrated by clear and convincing evidence that a sentence of death may not be imposed pursuant to subsection (2), the court shall enter a written order that sets forth with specificity its findings in support of its determination.*

Amendment 3 (831266)—On page 4, line 7; and on page 5, line 9, delete *"retardation" in s. 393.063* and insert: *"mental retardation" in s. 921.137*

Pursuant to Rule 4.19, **CS for SB 1448** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 1864—A bill to be entitled An act relating to high school diplomas; amending s. 232.246, F.S.; providing for the award of a high school diploma to certain honorably discharged World War II veterans; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (364708)—On page 1, line 14, after "a" insert: *standard*

Pursuant to Rule 4.19, **CS for SB 1864** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1016—A bill to be entitled An act relating to regulation of professions under the Department of Business and Professional Regulation; amending s. 310.071, F.S.; providing for disqualification from applying for and denial of deputy pilot certification for being found guilty of, or having pled guilty or nolo contendere to, certain crimes; amending s. 310.151, F.S.; providing for deposit and disposition of amounts received from imposition of pilotage rates pending rendition of a final order regarding such rates; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 455.217, F.S.; revising provisions relating to translation of examinations in Spanish; amending s. 455.2179, F.S.; providing for approval of continuing education providers; providing fees; providing rulemaking authority; amending s. 455.219, F.S., and repealing subsection (3), relating to fees required for approval as a continuing education provider; authorizing the department to adopt rules to provide for waiver of license renewal fees under certain circumstances and for a limited period; creating s. 455.32, F.S.; creating the Management Privatization Act; providing definitions; authorizing the department to contract with a corporation or other business entity to perform support services specified pursuant to contract; providing contract requirements; providing corporation powers and responsibilities; establishing reporting and audit requirements; providing for future review and repeal; amending s. 468.382, F.S.; defining the term "absolute auction"; amending s. 468.385, F.S.; revising requirements relating to the conduct, administration, approval, and scope of the examination for licensure as an auctioneer; specifying that an auction may only be conducted by an active licensee; creating s. 468.3855, F.S.; providing requirements for auctioneer apprentices; amending s. 468.388, F.S.; adding requirements and responsibilities

relating to the conduct of an auction; deleting exceptions from a requirement that auctions be conducted pursuant to a written agreement; amending s. 468.389, F.S.; providing for disciplinary action against licensees who fail to account for certain property; providing penalties; reenacting ss. 468.385(3), 468.391, F.S., relating to licensure as an auctioneer and to a criminal penalty, respectively, to incorporate the amendment to s. 468.389, F.S., in references thereto; amending s. 468.392, F.S.; authorizing the designee of the Secretary of Business and Professional Regulation to sign vouchers for payment or disbursement from the Auctioneer Recovery Fund; amending s. 468.395, F.S.; revising conditions of recovery from the Auctioneer Recovery Fund; providing for recovery from the fund pursuant to an order issued by the Florida Board of Auctioneers; deleting a requirement that notice be given to the board at the time action is commenced; providing limitations on bringing claims for certain acts; providing subrogation rights for the fund; amending s. 468.397, F.S., relating to payment of claim; correcting language; amending s. 468.433, F.S.; revising requirements for licensure as a community association manager, to include certain prelicensure education; providing for provider approval, including fees; repealing s. 468.525(3)(h), F.S., relating to a prohibition on employee leasing companies and groups from including employees who engage in services or arrangements that are not within the definition of employee leasing; amending s. 468.526, F.S.; modifying qualifications for licensure as an employee leasing company group; amending s. 468.531, F.S.; providing prohibitions against offering to practice employee leasing without being licensed and against the use of certain titles relating to employee leasing without being registered; providing penalties; amending s. 470.005, F.S.; providing rulemaking authority to the Board of Funeral Directors and Embalmers relating to inspection of direct disposal establishments, funeral establishments, and cinerator facilities and the records of each establishment or facility; amending s. 470.015, F.S.; requiring board approval of continuing education providers; revising provisions relating to continuing education hours; amending ss. 470.016, 470.018, F.S.; revising provisions relating to continuing education hours; amending s. 470.017, F.S.; revising provisions relating to registration as a direct disposer, including fee-setting responsibility; amending s. 470.021, F.S.; prohibiting colocation of certain direct disposal establishments with more than one funeral establishment or direct disposal establishment; amending s. 470.028, F.S.; revising provisions relating to registration of agents for preneed sales; amending s. 470.0301, F.S.; revising provisions relating to registration of centralized embalming facilities to provide for operating procedures; providing requirements for full-time embalmers in charge; amending ss. 471.003, 471.0035, 471.011, 471.023, 471.037, F.S.; updating references relating to regulation of engineering to incorporate provisions relating to the Florida Engineers Management Corporation and engineers performing building code inspector duties; amending s. 471.005, F.S.; defining the terms "retired professional engineer" and "professional engineer, retired"; updating references; amending s. 471.015, F.S.; revising educational requirements for licensure by endorsement; updating references; amending s. 471.017, F.S.; granting the Board of Professional Engineers rulemaking authority to establish biennial licensure renewal procedures; replacing continuing education provisions with provisions requiring certain demonstration of continuing professional competency; amending s. 471.019, F.S., to create s. 471.0195, F.S.; separating provisions relating to building code training from provisions relating to licensure reactivation requirements; amending s. 471.025, F.S.; requiring final bid documents to be signed, dated, and sealed and authorizing the electronic transfer of such documents; amending s. 471.031, F.S.; providing a penalty for certain activities prohibited under ch. 471, F.S., relating to engineering; updating references; amending s. 474.202, F.S.; revising the definition of the term "veterinarian"; amending s. 474.203, F.S.; revising and providing exemptions from regulation under ch. 474, F.S., relating to veterinary medical practice; providing that certain exempt persons are duly licensed practitioners for purposes of prescribing drugs or medicinal supplies; amending s. 474.211, F.S.; providing that criteria for providers of continuing veterinary medical education shall be approved by the board; amending s. 474.214, F.S.; increasing the administrative fine; reenacting ss. 474.207(2), 474.217(2), F.S., relating to licensure by examination and licensure by endorsement, to incorporate the amendment to s. 474.214, F.S., in references thereto; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians, but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.2165, F.S.; providing requirements with respect to ownership and control of veterinary medical patient records; providing for the furnishing of reports or copies of records; providing for participation of veterinarians in impaired practitioner treatment programs; amending s. 475.045, F.S.; abolishing the Florida Real Estate Commission Education and Research Foundation Advisory Committee and transferring its duties to the commission; amending s. 477.0132, F.S.; restricting to the Board of Cosmetology authority to review, evaluate, and approve courses required for hair braiding, hair wrapping, and body wrapping registration; exempting providers of such courses from certain licensure; amending s. 477.019, F.S.; revising requirements for licensure to practice cosmetology; providing fees; amending ss. 492.101, 492.102, 492.104, 492.105, 492.108, 492.112, 492.113, 492.116, 492.1165, F.S.; revising cross-references; amending s. 492.107, F.S.; revising provisions relating to the use of seals by licensed geologists; amending s. 492.111, F.S.; providing requirements relating to geologists of record for firms, corporations, and partnerships; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (383296)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 64. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)*1.* The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons, as defined in s. 288.703(3), may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703(3), who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 9, after the first semicolon (;) insert: amending s. 310.0015, F.S.; requiring the establishment of competency-based mentor programs for minority persons seeking to become licensed state pilots or certificated deputy pilots; requiring an annual report thereon to the Governor and Legislature;

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (414634)(with title amendment)—On page 36, line 14 through page 37, line 7, delete those lines and insert:

Section 24. Subsection (2) of section 470.017, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

470.017 Registration as a direct disposer.—

(2) Any person who desires to be registered as a direct disposer shall file an application with the department on a form furnished by the department. The department shall register each applicant who has remitted a registration fee set by the *board* ~~department~~, not to exceed $200; has completed the application form and remitted a nonrefundable application fee set by the *board* ~~department~~, not to exceed $50; and meets the following requirements:

(a) Is at least 18 years of age.

(b) Is a high school graduate or equivalent.

(c) Has no conviction or finding of guilt, and has never entered a plea of nolo contendere, regardless of adjudication, for a crime which directly relates to the functions and duties of a direct disposer or the *ability to* practice ~~of~~ direct disposition.

(d) Has received a passing grade in a college credit course in Florida mortuary law.

(e) Has completed a board-approved course on communicable diseases.

(f) Has passed an examination prepared by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.

(5) After June 30, 2001, a person may not be registered pursuant to this section. However, any person who holds a valid registration on June 30, 2001, may continue to renew such registration pursuant to s. 470.018 if the registrant remains current and in good standing.

And the title is amended as follows:

On page 4, line 9, after the semicolon (;) insert: providing certain limitations on registration after a specified date;

Senator Clary moved the following amendment which was adopted:

Amendment 3 (920476)(with title amendment)—On page 81, between lines 4 and 5, insert:

Section 65. Subsection (12) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(12) "Body wrapping" means a treatment program that uses herbal wraps for the purposes of ~~weight loss and of~~ cleansing and beautifying the skin of the body, but does not include:

(a) The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or

(b) Manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 23, after the semicolon (;) insert: amending s. 477.013, F.S.; revising a definition;

Senator Sebesta moved the following amendment which was adopted:

Amendment 4 (141336)—On page 17, line 13, delete "*government*"

Senator Saunders moved the following amendment which failed:

Amendment 5 (153082)(with title amendment)—On page 8, line 1 through page 9, line 29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-13, delete those lines and insert: certain crimes; amending s. 399.061,

Pursuant to Rule 4.19, **CS for SB 1016** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 2346—A bill to be entitled An act relating to port area improvement; creating the "Community Improvement Authority Act"; providing legislative findings and intent; defining terms; providing for the creation of community improvement authorities in eligible counties; providing for the management of authorities; providing for the powers of an authority; authorizing the use of bonds to fund projects; providing for a tax exemption on bonds; providing for limitations on damages; providing for awarding contracts for the construction of projects; providing for dissolution of an authority; providing severability; providing for liberal construction; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (893940)—On page 4, line 13 through page 9, line 18, delete those lines and insert:

Section 4. *Creation of a community improvement authority; charter.—*

(1) A community improvement authority is established within each eligible county with all of the powers, authority, duties, and limitations set forth in this act, including the powers set forth in this act to undertake certain activities in counties contiguous with such eligible county. This act constitutes the charter of each such authority, and this act may be amended in the same manner as any other general law of the state. Each authority shall be designated "____ County Community Improvement Trust," with the blank space being completed by inserting the name of the eligible county in which the authority is located. Notwithstanding the foregoing, in any eligible county in which an independent port district was abolished with support of the majority of electors of that county voting in a referendum held within 10 years immediately preceding the effective date of this act, an authority shall not be established and no authority shall have jurisdiction or exercise any powers within such county without an approving ordinance adopted by such county's governing body.

(2) Each authority is a body politic and corporate, a public instrumentality, and an independent special district within the meaning of chapter 189, Florida Statutes, the jurisdiction of which encompasses the applicable eligible county and each county contiguous therewith, except as expressly provided herein.

Section 5. *Board of supervisors.—*

(1) A board of supervisors shall govern each authority.

(2) The board shall be composed of nine members. Not sooner than 60 days after the authority is established, the Governor shall appoint two members to the board; the county commission of the eligible county shall appoint three members to the board; the mayor of the eligible county shall appoint one member to the board; the city commission within which the projects are proposed to be constructed shall appoint two members to the board; and the mayor of such city shall appoint one member to the board. In the event that within 30 days after the Governor has made two appointments to the board, all 9 members shall not have been appointed, then the members of the board of such authority who shall have been appointed shall select by majority vote among them at the organizational meeting of the board, without regard to the presence of a quorum, the remaining members of the board. Each appointing authority shall appoint members of the board to succeed those whose terms are expiring not less than 60 days before the expiration of such term. All members of the board must have expertise in one or more of the following areas: public finance, private finance, public accounting, commercial law, commercial real estate, real estate development, general contracting, architecture, and administration of professional sports team operations. A member of the board may not, at the time of appointment, hold an elected public office in the state.

(3) The organizational meeting of the board shall be held not less than 30 days and not more than 45 days after the Governor has made two

appointments to the board. Appointed members of the board shall hold office for a term of 4 years or until their successors take office, except that the two initial members appointed by the Governor, one of the initial members appointed by the commission of the eligible county, and one of the initial members appointed by the mayor of the eligible county shall be appointed to terms of 3 years. In the event that initial members are appointed by the board, the board shall designate which, if any, of the initial members appointed by the board shall hold office for a term of three years, such that 4 of the 9 initial members of the board shall be designated to hold office for terms of 3 years. If during a member's term of office a vacancy occurs, the Governor shall fill the vacancy by appointment for the remainder of the term.

(4) The members of the board must be residents of the eligible county in which the authority is located.

(5) Five members of the board shall constitute a quorum, and the affirmative vote of a majority of the members present and voting is necessary to take any official action.

(6) The members of the board shall serve without compensation but are entitled to reimbursement for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(7) The board shall at the time of organizing, and annually thereafter, elect a chair for a term of 1 year or until a successor is elected or the chair is removed, with or without cause, by the board. The chair shall preside at all meetings of the board. If the chair is absent or disqualified at any meeting, any member of the board may be designated chair protempore for that meeting.

Section 6. *Executive director.—The board may appoint and fix the salary of an executive director to carry out the day-to-day activities of the authority and to administer the policies of the board.*

Section 7. *Chief financial officer and other officers; financial records; fiscal year.—*

(1) The board may appoint and fix the salary of a chief financial officer of the authority, who is responsible for the funds and finances of the authority. Funds may be disbursed only at the direction of the board signed by the persons designated by the board. The board may give the chief financial officer additional powers and duties.

(2) The board or the executive director upon authority delegated by the board may appoint or employ other officers or employees of the authority and give them appropriate powers and duties.

(3) The financial records of the authority shall be audited by an independent certified public accountant at least once each year.

(4) The fiscal year of the authority begins October 1 of each year and ends September 30 of the following year.

Section 8. *Budgets.—On or before June 30 of each year, the executive director of the authority shall prepare a proposed budget, including an estimate of all revenues and anticipated expenditures, for the following fiscal year to be submitted to the board for approval or modification. The budget must be adopted before October 1 of each year.*

Section 9. *Powers and duties.—*

(1) Each authority has, and the board may exercise the power to take all steps reasonable, necessary, or advisable to generate local support for the development of projects, including professional sports facilities and related amenities and infrastructure, to serve as an intermediary and facilitate negotiations with and among private interests, community organizations, and governmental authorities in connection with the construction or development of such projects, and to explore, research, and analyze financing and related alternatives for the construction or development of such projects.

(2) As appropriate, the authority shall present findings and make recommendations to the applicable governmental entity necessary to secure support or action with respect to such recommendations and to secure sources of financing and other funding alternatives for the construction or development of such projects.

(3) In the event an appropriate governmental authority, acting upon the recommendations of the authority, has approved a source or sources of funding to finance the construction or development of a project and such source or sources of funding, if consisting of revenues to be derived from a new tax, assessment, surcharge or levy, or from an increase to an existing tax, assessment, surcharge or levy, have been approved by a majority of the qualified electors within the jurisdiction of such governmental authority voting in a duly held referendum, the board may exercise the power to:

(a) Either alone or in cooperation with the eligible county or other governmental body, finance, refinance, acquire, plan, design, develop, construct, own, lease, operate, maintain, manage, renovate, improve, and promote any project located in the eligible county or any county contiguous therewith consisting of one or more facilities and other attractions and related amenities and infrastructure, including: professional sports facilities and recreational, commercial, cultural and educational facilities; civic, multi-purpose meeting facilities; and all forms of media communication, transmission, and production systems and facilities.

1. During the 24-month period following establishment of an authority, the only project an authority may initiate is a professional sports facility and related amenities and infrastructure, which initiation must be evidenced by adoption of a resolution setting forth the authority's commitment to initiate and promptly implement a professional sports facility project;

2. A professional sports facility may not be constructed outside the eligible county that is intended to accommodate regular season games of a professional sports franchise that exists within the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League; and

3. No other project may be constructed outside the eligible county unless the authority and the county in which such facility will be located have entered into an interlocal agreement with respect to such project.

(b) Finance, refinance, acquire, plan, design, develop, construct, own, lease, operate, maintain, manage, renovate, improve, and promote any facilities and infrastructure within the authority's jurisdictional boundaries that are reasonably ancillary, incidental, or supporting of projects, including, but not limited to, roads, bridges, parking, and other transportation facilities.

Pursuant to Rule 4.19, **CS for SB 2346** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton, by two-thirds vote **HB 509** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

On motion by Senator Carlton—

HB 509—A bill to be entitled An act relating to local option tourist taxes; amending s. 125.901, F.S.; authorizing the appointment of an alternate delegate member for a county governing body to a council on children's services; amending ss. 125.0104, 212.0305, F.S.; providing that a county that elects to assume responsibility for audit and enforcement with respect to the local option tourist development tax, area of critical state concern tourist impact tax, or convention development taxes may use certified public accountants in administering its duties; providing for application of confidentiality and penalty provisions to such agents; amending s. 213.053, F.S.; providing for information sharing; amending s. 212.055, F.S.; providing a distribution of proceeds from the Local Government Infrastructure Surtax to be used solely for county detention facilities under certain circumstances; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1078** and read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (463720)(with title amendment)—On page 3, line 25 through page 5, line 26, delete those lines

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending ss. 125.0104,

Amendment 2 (980134)(with title amendment)—On page 7, line 18 through page 9, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 17-21, delete those lines and insert: sharing;

Senators McKay and Carlton offered the following amendment which was moved by Senator Carlton and adopted:

Amendment 3 (532252)—On page 9, between lines 13 and 14, insert:

Section 6. *Notwithstanding the General Appropriations Act for 2000-2001, those school districts that have submitted proposals to be a charter school district under s. 228.058, F.S., prior to March 1, 2000, may levy up to 1.0 additional discretionary school millage, for one year only, to provide funds necessary to implement the transition to charter district status.*

(Redesignate subsequent sections.)

SENATOR LATVALA PRESIDING

Senator Saunders moved the following amendment which was adopted:

Amendment 4 (851976)(with title amendment)—On page 9, between lines 13 and 14, insert:

Section 6. Paragraph (d) of subsection (5) of section 212.055, Florida Statutes, is amended, paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to said subsection, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(d) *Except as provided in subparagraphs 1. and 2.,* the county *must* ~~shall~~ continue to contribute each year *an amount equal to* at least 80 percent of that percentage of the total county budget appropriated for the operation, administration, and maintenance of the county public general hospital from the county's general revenues in the fiscal year of the county ending September 30, 1991*:*

1. Twenty-five percent of such amount must be remitted to a governing board, agency, or authority that is wholly independent from the public health trust, agency, or authority responsible for the county public general hospital, to be used solely for the purpose of funding the plan for indigent health care services provided for in paragraph (e);

2. However, in the first year of the plan, a total of $10 million shall be remitted to such governing board, agency, or authority, to be used solely for the purpose of funding the plan for indigent health care services provided for in paragraph (e), and in the second year of the plan, a total of $15 million shall be so remitted and used.

(e) A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law. The governing board, agency, or authority shall adopt and implement a health care plan for indigent health care services. The governing board, agency, or authority shall consist of no more than seven and no fewer than five members appointed by the county commission. The members of the governing board, agency, or authority shall be at least 18 years of age and residents of the county. No member may be employed by or affiliated with a health care provider or the public health trust, agency, or authority responsible for the county public general hospital. The following community organizations shall each appoint a representative to a nominating committee: the South Florida Hospital and Healthcare Association, the Miami-Dade County Public Health Trust, the Dade County Medical Association, the Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade County. This committee shall nominate between 10 and 14 county citizens for the governing board, agency, or authority. The slate shall be presented to the county commission and the county commission shall confirm the top five to seven nominees, depending on the size of the governing board. Until such time as the governing board, agency, or authority is created, the funds provided for in subparagraph (d)2. shall be placed in a restricted account set aside from other county funds and not disbursed by the county for any other purpose.

1. The plan shall divide the county into a minimum of four and maximum of six service areas, with no more than one participant hospital per service area. The county public general hospital shall be designated as the provider for one of the service areas. Services shall be provided through participants' primary acute care facilities.

2. The plan and subsequent amendments to it shall fund a defined range of health care services for both indigent persons and the medically poor, including primary care, preventive care, hospital emergency room care, and hospital care necessary to stabilize the patient. For the purposes of this section, "stabilization" means stabilization as defined in s. 397.311(30). Where consistent with these objectives, the plan may include services rendered by physicians, clinics, community hospitals, and alternative delivery sites, as well as at least one regional referral hospital per service area. The plan shall provide that agreements negotiated between the governing board, agency, or authority and providers shall recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care to draw down federal funds where appropriate, and require cost containment, including, but not limited to, case management. From the funds specified in subparagraphs (d)1. and 2. for indigent health care services, service providers shall receive reimbursement at a Medicaid rate to be determined by the governing board, agency, or authority created pursuant to this paragraph for the initial emergency room visit, and a per-member per-month fee or capitation for those members enrolled in their service area, as compensation for the services rendered following the initial emergency visit. Except for provisions of emergency services, upon determination of eligibility, enrollment shall be deemed to have occurred at the time services were rendered. The provisions for specific reimbursement of emergency services shall be repealed on July 1, 2001, unless otherwise reenacted by the Legislature. The capitation amount or rate shall be determined prior to program implementation by an independent actuarial consultant. In no event shall such reimbursement rates exceed the Medicaid rate. The plan must also provide that any hospitals owned and operated by government entities on or after the effective date of this act must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to any meeting of the governing board, agency, or authority the subject of which is budgeting resources for the retention of charity care, as that term is defined in the rules of the Agency for Health Care Administration. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service and delivery funding.

3. The plan's benefits shall be made available to all county residents currently eligible to receive health care services as indigents or medically poor as defined in paragraph (4)(d).

4. Eligible residents who participate in the health care plan shall receive coverage for a period of 12 months or the period extending from the time of enrollment to the end of the current fiscal year, per enrollment period, whichever is less.

5. At the end of each fiscal year, the governing board, agency, or authority shall prepare an audit that reviews the budget of the plan, delivery of services, and quality of services, and makes recommendations to increase the plan's efficiency. The audit shall take into account participant hospital satisfaction with the plan and assess the amount of poststa-

bilization patient transfers requested, and accepted or denied, by the county public general hospital.

Section 7. *The provisions of this act shall be reviewed by the Legislature prior to October 1, 2005, and shall be repealed on that date unless otherwise reenacted by the Legislature.*

Section 8. This act shall take effect October 1, 2000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the second semicolon (;) insert: amending s. 212.055, F.S.; revising provisions that require the counties authorized to levy the surtax to annually appropriate a specified minimum amount for operation, administration, and maintenance of the county public general hospital; providing procedure for disbursement of funds; requiring a governing board, agency, or authority in such counties to adopt and implement a health care plan for indigent health care services; providing for appointment of members of such entity; specifying provisions of the plan; providing for annual audit; providing for compensation to service providers; providing for future review and repeal;

The vote was:

Yeas—18

Campbell	Geller	Latvala	Sebesta
Carlton	Horne	Laurent	Silver
Cowin	King	Lee	Sullivan
Diaz-Balart	Klein	Saunders	
Forman	Kurth	Scott	

Nays—14

Brown-Waite	Dyer	Jones	Thomas
Casas	Grant	Kirkpatrick	Webster
Childers	Hargrett	Meek	
Diaz de la Portilla	Holzendorf	Myers	

MOTION

On motion by Senator Carlton, the rules were waived to allow the following amendment to be considered:

Senator Carlton moved the following amendment which was adopted:

Amendment 5 (594628)(with title amendment)—On page 1, lines 26-29, delete those lines and insert:

Section 1. Subsections (7) and (10) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(7) AUTOMATIC EXPIRATION ON RETIREMENT OF BONDS.—Anything in this section to the contrary notwithstanding, if the plan for tourist development approved by the governing board of the county, as amended from time to time pursuant to paragraph (4)(d), includes the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, or auditorium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit organization, the county ordinance levying and imposing the tax shall automatically expire upon the *later of*:

(a) Retirement of all bonds issued by the county for financing the same; *or*

(b) The expiration of any agreement by the county for the operation or maintenance, or both, of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, or museum. However, nothing herein shall preclude that county *from amending the ordinance extending the tax to the extent that the board of the county determines to be necessary to provide funds with which to operate, maintain, repair, or renew and replace a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, or museum or* from enacting an ordinance pursuant to the provisions of this section reimposing a tourist development tax, upon or following the expiration of the previous ordinance.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: authorizing the expiration of bonds issued by a county to finance a publicly owned and operated convention center, sports stadium, sports arena, coliseum, or auditorium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit organization, upon the expiration of any agreement by the county for the operation or maintenance, or both, of the facility; allowing a county to extend a tourist development tax ordinance for the purpose of operating, maintaining, repairing, or renewing and replacing such a facility;

Senators Grant, Hargrett, Lee and Sebesta offered the following amendments which were moved by Senator Grant and adopted:

Amendment 6 (052362)(with title amendment)—On page 9, between lines 13 and 14, insert:

(4) INDIGENT CARE *AND TRAUMA CENTER* SURTAX.—

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. *The plan must also address the services to be provided by the Level I trauma center.* It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, *including hospitals with a Level I trauma center,* will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, *promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases,* and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;

2. Invest any funds held on deposit in the trust fund pursuant to general law; and

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county. *However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this subsection, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of $6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of $3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act.*

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, 2005.

And the title is amended as follows:

On page 1, lines 2-21, delete those lines and insert: An act relating to local option taxes; amending s. 125.901, F.S.; authorizing the appointment of an alternate delegate member for a county governing body to a council on children's services; amending ss. 125.0104, 212.0305, F.S.; providing that a county that elects to assume responsibility for audit and enforcement with respect to the local option tourist development tax, area of critical state concern tourist impact tax, or convention development taxes may use certified public accountants in administering its duties; providing for application of confidentiality and penalty provisions to such agents; amending s. 213.053, F.S.; providing for information sharing; amending s. 212.055, F.S.; providing a distribution of proceeds from the Local Government Infrastructure Surtax to be used solely for county detention facilities under certain circumstances; providing definitions; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma center status and to be in addition to a base contract amount, plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the court;

Amendment 7 (932536)—On page 7, lines 18 and 19, delete those lines and insert:

Section 5. Paragraph (c) of subsection (2) and subsection (4) of section 212.055, Florida Statutes, are amended to read:

THE PRESIDENT PRESIDING

Senator Clary moved the following amendment which was adopted:

Amendment 8 (244908)(with title amendment)—On page 9, between lines 13 and 14, insert:

Section 6. Paragraph (d) of subsection (6) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(6) REFERENDUM.—

(d) In any case where a referendum levying and imposing the tax has been approved pursuant to this section and 15 percent of the electors in the county or 15 percent of the electors in the subcounty special district in which the tax is levied file a petition with the board of county commissioners for a referendum to repeal the tax, the board of county commissioners shall cause an election to be held for the repeal of the tax which election shall be subject only to the outstanding bonds for which the tax has been pledged. *However, the repeal of the tax shall not be effective with respect to any portion of taxes initially levied in November 1989, which has been pledged or is being used to support bonds under paragraph (3)(d) or paragraph (3)(l) until the retirement of those bonds.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the second semicolon (;) insert: amending s. 125.0104, F.S.; exempting certain tourist development taxes from provisions providing for tax repeal by referendum;

Pursuant to Rule 4.19, **HB 509** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 1226—A bill to be entitled An act relating to insurance; amending s. 284.33, F.S.; authorizing the Department of Insurance to directly purchase annuities through a structured settlement insurance services consultant; providing procedures and requirements; amending s. 625.121, F.S.; deleting a reference to deficiency reserves for certain term life insurance policies; authorizing the Department of Insurance to adopt a certain valuation of life insurance policies model regulation; amending s. 626.99, F.S.; revising a reference to a more current edition of a cited buyer's guide; amending s. 627.6487, F.S.; clarifying that creditable coverage must have been in effect in this state; amending s. 627.901, F.S.; increasing maximum service charge for financing insurance premiums; amending s. 627.902, F.S.; revising applicability of premium finance rate of interest; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1 (542034)(with title amendment)—On page 17, between lines 6 and 7, insert:

Section 7. *There is created the Commission for Health Care for the Employee Leasing Industry. The purpose of the commission is to study the availability and affordability of health care and the delivery methods for providing health care. The study shall include, but is not limited to, health care provided by standard carriers, partial self-insurance, self-insurance under Pub. L. No. 93-406, the Employee Retirement Income Security Act as amended, association self-insurance trusts, and the cost and value of those delivery methods.*

(1) The commission shall submit a report on the results of the study to both Houses of the Legislature and the Governor by January 1, 2001.

(2) The commission shall be created with the following membership: two members of the Senate appointed by the Senate President; two members of the House of Representatives appointed by the Speaker of the House of Representatives; three members of industry regulated and licensed under sections 468.520-468.535, Florida Statutes, appointed by the President of the Senate; three members of industry regulated and licensed under sections 468.520-468.535, Florida Statutes, appointed by the Speaker of the House of Representatives; the Treasurer or his designee; and the Secretary of Business and Professional Regulation or his designee. The members of the industry appointed to serve on the commission shall serve without pay or travel reimbursement.

(3) All meetings of the commission shall be held at the Capitol. Meetings shall be called by the chairperson, who shall be selected by vote of the Senate and House of Representative members of the commission. Staff support shall be provided by the Senate Committee on Banking and Insurance and the House of Representatives Committee on Insurance.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, following the semicolon (;) insert: creating a study commission on the availability of health care coverage for the employee leasing industry;

Pursuant to Rule 4.19, **CS for SB 1226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR DIAZ-BALART PRESIDING

On motion by Senator Lee—

CS for SB 2132—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 20.42, F.S.; designating the agency as a department; reorganizing the agency and removing it from under the Department of Business and Professional Regulation; providing for appointment of the Secretary of Health Care Administration by the Governor, subject to confirmation by the Senate; providing for responsibilities and administration of the department; amending s. 440.134, F.S.; providing exclusive jurisdiction of the Agency for Health Care Administration over workers' compensation managed care arrangements and exclusive authority to investigate medical services provided under such arrangements; amending ss. 120.80, 215.5601, 381.6023, 381.90, 395.0163, 395.10972, 400.0067, 400.235, 400.4415, 400.967, 408.036, 408.05, 408.902, 409.8132, 430.710, 478.44, 627.4236, 641.454, 641.60, 641.70, 732.9216, to conform provisions to changes made by the act; repealing s. 408.001, F.S., relating to the Florida Health Care Purchasing Cooperative; providing for repeal on a date certain or upon the occurrence of a contingency; transferring all powers, duties, and functions and funds of the Agency for Health Care Administration of the Department of Business and Professional Regulation to the new department; providing for certain transfer of positions and funds from the Department of Labor and Employment Security; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (813662)(with title amendment)—On page 27, between lines 11 and 12, insert:

Section 28. *PUBLIC CORD BLOOD TISSUE BANK.—*

(1) There is established a statewide consortium to be known as the Public Cord Blood Tissue Bank. The Public Cord Blood Tissue Bank is established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing, cryopreserve, and store umbilical cord blood as a resource to the public. The University of Florida, the University of South Florida, the University of Miami, and the Mayo Clinic, Jacksonville shall jointly form the collaborative consortium, each working with community resources such as regional blood banks, hospitals, and other health care providers to develop local and regional coalitions for the purposes set forth in this act. The consortium participants shall align their outreach programs and activities to all geographic areas of the state, covering the entire state. The consortium is encouraged to conduct outreach and research for Hispanics, African Americans, Native Americans, and other ethnic and racial minorities.

(2) The Agency for Health Care Administration and the Department of Health shall encourage health care providers, including, but not limited to, hospitals, birthing facilities, county health departments, physicians, midwives, and nurses, to disseminate information about the Public Cord Blood Tissue Bank.

(3) Nothing in this section creates a requirement of any health care or services program that is directly affiliated with a bona fide religious denomination that includes as an integral part of its beliefs and practices the tenet that blood transfer is contrary to the moral principles the denomination considers to be an essential part of its beliefs.

(4) Any health care facility or health care provider receiving financial remuneration for the collection of umbilical cord blood shall provide written disclosure of this information to any woman postpartum or parent of a newborn from whom the umbilical cord blood is collected prior to the harvesting of the umbilical cord blood.

(5) A woman admitted to a hospital or birthing facility for obstetrical services may be offered the opportunity to donate umbilical cord blood to the Public Cord Blood Tissue Bank. A woman may not be required to make such a donation.

(6) The consortium may charge reasonable rates and fees to recipients of cord blood tissue bank products.

(7) In order to fund the provisions of this section the consortium participants, the Agency for Health Care Administration, and the Department of Health shall seek private or federal funds to initiate program actions for fiscal year 2000-2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: creating the Public Cord Blood Tissue Bank as a statewide consortium; providing purposes, membership, and duties of the consortium; providing duties of the Agency for Health Care Administration and the Department of Health; providing an exception from provisions of the act; requiring specified written disclosure by certain health care facilities and providers; specifying that donation under the act is voluntary; authorizing the consortium to charge fees;

Senator Lee moved the following amendments which were adopted:

Amendment 2 (803734)(with title amendment)—On page 27, lines 3-11, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 1, line 31 through page 2, line 3, delete those lines and insert: Regulation to the new department; providing an effective date.

Amendment 3 (682590)(with title amendment)—On page 4, lines 19 through page 5, line 26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 12-17, delete those lines and insert: department;

Pursuant to Rule 4.19, **CS for SB 2132** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote **CS for CS for HB 593** was withdrawn from the Committees on Regulated Industries and Judiciary.

On motion by Senator Webster, by two-thirds vote—

CS for CS for HB 593—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 719.103, F.S.; providing for governance of a timeshare cooperative; defining the term "timeshare estate" for purposes of ch. 719, F.S., the Cooperative Act; amending s. 719.107, F.S.; providing for joint and several liability for payments of assessments and charges with respect to a timeshare unit; amending s. 719.114, F.S.; providing for assessing timeshare estates for purposes of ad valorem taxes and special assessments; amending s. 719.3026, F.S.; exempting certain contracts from provisions governing products and

services; amending s. 719.401, F.S.; specifying the term of the leasehold for a timeshare cooperative; amending s. 719.503, F.S.; requiring that certain additional disclosures be made prior to the sale or transfer of a timeshare estate; amending s. 719.504, F.S.; requiring that the creation and sale of a timeshare estate with respect to a cooperative unit be disclosed in the prospectus or offering circular; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Timesharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising requirements with respect to contracts for the purchase of timeshare interests; amending s. 721.065, F.S.; providing for resale listings; providing legislative intent; providing for the deposit of certain advance fees in a trust account; providing requirements with respect to resale; providing penalties; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing conditions for the delivery of a purchaser public offering statement which is not yet approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.075, F.S.; revising language with respect to incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing additional criteria with respect to compliance with certain conditions for the release of escrow funds; providing requirements with respect to unclaimed escrow funds; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.10, F.S.; revising language with respect to cancellation; amending s. 721.11, F.S.; providing a filing fee with respect to advertising materials filed with the division; revising language with respect to advertising materials; providing additional criteria for advertising materials; amending s. 721.111, F.S.; revising language with respect to prize and gift promotional offers; amending s. 721.12, F.S., relating to recordkeeping by a seller; amending s. 721.13, F.S.; revising language with respect to management; providing additional powers of the board of administration of the owners' association; amending s. 721.14, F.S., relating to discharge of the managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing requirements with respect to insurance; amending s. 721.16, F.S.; revising language with respect to liens for overdue assessments and liens for labor performed on, or materials furnished to a timeshare unit; providing a lien for certain damages done by a guest; amending s. 721.165, F.S.; providing penalties for failure to obtain certain insurance; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S., relating to exchange programs; amending s. 721.19, F.S., relating to provisions requiring the purchase or lease of timeshare property by owners' associations or purchasers; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.21, F.S., relating to purchasers' remedies; amending s. 721.24, F.S.; revising language with respect to firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.27, F.S.; revising language with respect to the annual fee for each timeshare unit in the plan; creating s. 721.29, F.S.; providing for the protection of purchasers' rights when recording is not available in certain jurisdictions; amending s. 721.51, F.S.; revising language with respect to legislative purpose and scope concerning vacation clubs; amending s. 721.52, F.S.; revising the definition of the term "multisite timeshare plan"; amending s. 721.53, F.S.; providing an additional piece of information which the developer may provide to the division prior to offering an accommodation or facility as a part of a multisite timeshare plan; amending s. 721.55, F.S.; revising language with respect to the public offering statement for a multisite timeshare plan; amending s. 721.551, F.S., relating to the delivery of a multisite timeshare plan public offering statement; amending s. 721.552, F.S., relating to additions, substitutions, or deletions of component site accommodations or facilities; repealing s. 721.553, F.S., relating to the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the management of multisite timeshare plans; amending s. 721.81, F.S.; revising legislative purpose with respect to the Timeshare Lien Foreclosure Act; amending s. 721.82, F.S.; revising the definition of the term "assessment lien"; amending s. 721.84, F.S., relating to the appointment of a resident agent; amending s. 721.85, F.S., relating to service to notice address or on registered agent; amending s. 721.86, F.S., including a cross reference; amending s. 718.103, F.S.; correcting a cross reference; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 908** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 593** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett, consideration of **CS for SB 1276** was deferred.

On motion by Senator Kirkpatrick—

SB 1084—A bill to be entitled An act relating to ad valorem taxation; creating s. 196.096, F.S.; providing an exemption for technology-business incubation facilities; defining terms; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1084** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

CS for CS for SB 1806—A bill to be entitled An act relating to the Olympic Games; stating that the purpose of the act is to provide assurances and commitments necessary for the United States Olympic Committee and the International Olympic Committee to select a host city for the Olympic Games; providing legislative findings; defining terms; creating an Olympic Games Guaranty Account within the Economic Development Trust Fund; providing for purpose, administration, funding, and use of the account; providing requirements of and restrictions on the account; providing a limit on liability of the state; providing for termination of the account under specified conditions; providing for reversion of funds; requiring the local organizing committee to provide certain information; providing for the execution of games-support contracts; providing requirements with respect to application for such contracts; providing criteria for contract approval; providing specified authority of the direct-support organization authorized under s. 288.1229, F.S.; providing a restriction on the direct-support organization; providing additional authority of specified agencies and entities; providing that the act does not obligate the state to pay for or fund any building or facility; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendments which were adopted:

Amendment 1 (105760)—On page 3, line 2, before the period (.) insert: *, the corresponding Paralympic Games, and all related pre-Olympic competitions and events*

Amendment 2 (230612)—On page 3, lines 3-7, delete those lines and insert:

(3) "Games support contract" means the joinder undertaking, joinder agreement, and similar contracts executed by the state and the United States Olympic Committee or the International Olympic Committee in connection with the selection of the candidate city to host the games.

Amendment 3 (752218)—On page 3, lines 11-30, delete those lines and insert:

(5) "Joinder agreement" means an agreement entered into by the state and the United States Olympic Committee or the International Olympic Committee, setting out representations and assurances by the state in connection with the selection of the candidate city to host the games.

(6) "Joinder undertaking" means an agreement entered into by the state and the United States Olympic Committee or the International Olympic Committee that the state will execute a joinder agreement if the candidate city is selected to host the games.

Amendment 4 (554974)—On page 4, delete line 9 and insert:

(8) "Net financial deficit" means those potential losses resulting from the conduct of the games which the state is obligated to indemnify and insure against pursuant to a games support contract. Expenses or liabilities arising from cancellation of the games or any part thereof due to any cause beyond the local organizing committee's reasonable control, including acts of war, riots and other civil disturbances, acts of God, flood, fire, weather, and earthquakes, shall not be included in calculating the net financial deficit.

(9) "United States Olympic Committee" means the

Amendment 5 (170806)—On page 5, lines 25-31, delete those lines and insert:

(4) Under this act, the state shall be a payor of last resort with regard to any net financial deficit. The direct-support organization authorized under section 288.1229, Florida Statutes, may not permit the security provided by the state pursuant to this act to be accessed to cover any net financial deficit indemnified by the state under the games support contracts until:

(a) The security provided by the local organizing committee pursuant to this act is fully expended and exhausted;

(b) Any security provided by any other person or entity is fully expended and exhausted;

(c) The limits of all available insurance policies covering the net financial deficit, or any expense or liability used in determining the net financial deficit, have been fully expended and exhausted; and

(d) Contribution has been sought, where practical and feasible, from all persons who bear any legal responsibility for the net financial deficit or for any expense or liability used in determining the net financial deficit.

Amendment 6 (574088)—On page 6, lines 1-13, delete those lines and insert:

(5) The State of Florida may choose to fund the Olympic Games Guaranty Account in any manner it considers appropriate.

Amendment 7 (880604)(with title amendment)—On page 7, line 22 through page 8, line 2, delete those lines

And the title is amended as follows:

On page 1, lines 17 and 18, delete those lines and insert: providing for the

Amendment 8 (982742)—On page 8, line 29 through page 9, line 2, delete those lines and insert:

(e) The resources committed to the conduct of the games by the candidate city and any other participating municipalities or government entities.

Amendment 9 (385402)—On page 9, lines 5-8, delete those lines and insert: *Florida Statutes, within 30 days after receipt of the application, to assist the direct-support organization in completing its evaluation as required under subsection (3).*

(3) Within 60 days after receiving all information

Amendment 10 (644476)—On page 9, lines 19-22, delete those lines and insert:

(c) The extent to which the candidate city and other participating jurisdictions have committed sufficient resources to the conduct of the games.

Amendment 11 (155602)—On page 10, line 28, delete "*games-support*"

Amendment 12 (072900)(with title amendment)—On page 11, lines 14-30, delete those lines and insert:

(8) Notwithstanding any other provision of this act, the direct-support organization authorized under section 288.1229, Florida Statutes, may not obligate the state to pay any part of the cost of acquiring any interest in real or personal property or the cost of planning, designing, or constructing any improvement to real property.

Section 6. *Authority of state agencies.—All agencies of the state may make and enter into agreements with the local organizing committee to provide the local organizing committee with:*

(1) Such public services as are customarily performed or available from the agency as may be needed by the local organizing committee to host the games; and

(2) Such access to and use of any real and personal property owned or controlled by the agency as may be needed by the local organizing committee to host the games.

Section 7. *Local organizing committee; responsibilities.—*

(1) The local organizing committee may not engage in any conduct that reflects unfavorably upon this state, the candidate city, or the Olympic movement, or that is contrary to law or to the rules and regulations of the United States Olympic Committee and the International Olympic Committee.

(2) By April 15 annually, the local organizing committee shall certify to the direct-support organization authorized under section 288.1229, Florida Statutes, that the local organizing committee:

(a) Is a nonprofit corporation, duly organized and validly existing for the purpose of pursuing a candidate city's bid to host the games;

(b) Is qualified as a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code, contributions to which are deductible by contributors; and

(c) Has, and will continue to maintain, a 20-percent representation of athletes on its board of directors and executive committee, as required by the organizational documents of the committee.

(3) The local organizing committee shall maintain, in accordance with generally accepted accounting principles, complete and accurate books and records of all receipts, expenditures, assets, and liabilities of the committee.

(4) The local organizing committee shall provide to the direct-support organization authorized under section 288.1229, Florida Statutes, in the form and manner in which they are provided to the United States Olympic Committee, annual audited financial statements prepared in accordance with generally accepted accounting principles consistently applied and certified by an independent accounting firm.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 29, after the semicolon (;) insert: authorizing state agencies to assist the local organizing committee in hosting the games; specifying responsibilities of the local organizing committee;

Pursuant to Rule 4.19, **CS for CS for SB 1806** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett, by two-thirds vote **CS for CS for HB 113** was withdrawn from the Committees on Transportation and Criminal Justice.

On motion by Senator Hargrett, by two-thirds vote—

CS for CS for HB 113—A bill to be entitled An act relating to suspension of a driver's license; amending s. 322.2615, F.S.; providing that the disposition of any related criminal proceedings shall not affect a suspension of a driver's license for refusal to submit to a blood, breath, or urine test; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1276** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 113** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 290—A bill to be entitled An act relating to tax assessments; creating s. 193.016, F.S.; providing for the assessment of tangible personal property after adjustments by the value adjustment board;

amending s. 194.013, F.S.; deleting provision for refund; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (053642)(with title amendment)—On page 1, line 10, insert:

Section 1. Subsection (11) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(11) For exemptions enumerated in paragraph (1)(b), granted for the *2001* ~~2000~~ tax year and thereafter, social security numbers of the applicant and the applicant's spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (5) or subsection (6) may be required to include social security numbers of the applicant and the applicant's spouse, if any, and shall include such information if filed for the *2001* ~~2000~~ tax year or thereafter. For counties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to ad valorem taxation; amending s. 196.011, F.S.; delaying the year of implementation of provisions which require that, in connection with renewal of specified exemptions, the applicant's and applicant's spouse's social security numbers are required; creating s.

Pursuant to Rule 4.19, **CS for SB 290** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for CS for SB 1710—A bill to be entitled An act relating to land acquisition; amending s. 201.15, F.S.; providing for changes to bond debt service; amending s. 201.15, F.S.; providing for changes to bond debt service; revising the deposit of certain funds and providing limitations, effective July 1, 2001; amending s. 215.618, F.S.; providing for the refunding and sale of Florida Forever bonds; amending s. 253.03, F.S.; providing for the permitting of certain habitable structures; amending s. 253.034, F.S.; clarifying provisions governing the deposit of funds received from the sale of surplus lands; exempting the Departments of Juvenile Justice and Children and Family Services from a requirement for land-management-plan review; requiring the adoption of rules; revising management planning requirements; providing procedures for determining the value of certain lands; amending s. 259.03, F.S.; redefining the terms "capital improvement" and "water resource development project"; providing a limitation on capital project expenditures; amending s. 259.032, F.S.; revising the payments-in-lieu-of-taxes program; amending s. 259.0345, F.S.; deleting obsolete provisions; revising the terms of Florida Forever Advisory Council members; clarifying the duties of the Florida Forever Advisory Council; amending s. 259.035, F.S.; authorizing the Acquisition and Restoration Council to use specified rules; revising procedures; amending s. 259.101, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to hold title to specified lands; requiring the monitoring of easements and agreements; deleting provisions requiring the redistribution of specified funds; deleting a repeal of Preservation 2000 bond allocations; amending s. 259.105, F.S.; requiring the redistribution of funds in specified circumstances; requiring a specific percentage of the Florida Communities Trust's Florida Forever funds to be expended in standard metropolitan statistical areas; revising a date for acceptance of acquisition applications; authorizing capital expenditures; revising the goals of the Florida Forever program; requiring the recommendation of rules to the board of trustees; revising the distribution of funds; amending s. 260.018, F.S.; correcting an error; amending s. 373.139, F.S.; requiring a public hearing and notification to the county of proposed purchases; amending s. 373.1391, F.S.; providing for the resolution of certain disputes; amending s. 373.199, F.S.; revising the date for submission of a report and the content of the report; amending s. 373.59, F.S.; revising payments-in-lieu-of-taxes requirements; authorizing the refunding of bonds; amending s. 375.051, F.S.; revising requirements for debt service for bonds issued to acquire lands, water areas, and related resources; amending s. 375.075, F.S.; revising the funding plan for recreational development; amending s. 380.507, F.S.; revising the uses of Florida Forever funds; amending s. 380.510, F.S.; revising the uses of Florida Forever funds; repealing s. 211.3103(9), F.S., relating to the severance tax on phosphate; providing effective dates.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (974504)—On page 19, lines 3 and 4, delete those lines and insert:

Section 6. Subsections (3) and (6) of section 259.03, Florida Statutes, are amended to read:

Senator Bronson moved the following amendments which were adopted:

Amendment 2 (910736)—On page 19, lines 14 and 15, delete those lines and insert: activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement,

Amendment 3 (020698)(with title amendment)—On page 19, lines 24-27, delete those lines and insert: funding provided in this chapter.

And the title is amended as follows:

On page 1, lines 23 and 24, delete those lines and insert: development project"; amending s.

Senator Latvala moved the following amendment which was adopted:

Amendment 4 (960464)—On page 46, line 13, delete "*Restoration*" and insert: *Management Advisory*

Senators Thomas and Latvala offered the following amendment which was moved by Senator Latvala and adopted:

Amendment 5 (553010)(with title amendment)—On page 58, before line 1, insert:

Section 21. *Notwithstanding the provisions of section 259.101(3)(c), Florida Statutes (1993) (Section 5, Chapter 92-288, Laws of Florida), regarding the set-aside of funds for land acquisition in areas of critical state concern, $2.5 million from funds previously approved is hereby designated to the City of Apalachicola for land acquisition associated with the area of critical state concern to assist in completing the City's sewer improvement program. This appropriation is contingent upon the review of the city's proposal and a determination by the Department of Community Affairs that the proposed project is an eligible use of funds under the Florida Communities Trust program. The city is not required to provide matching funds for the approved project.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 8, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for CS for SB 1710** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, by two-thirds vote **CS for HB 399** was withdrawn from the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Fiscal Policy.

On motion by Senator Forman—

CS for HB 399—A bill to be entitled An act relating to newborn hearing screening; providing legislative intent; providing definitions; providing requirements for screening newborns for hearing impairment; providing for certain insurance and managed care coverage; providing for referral for ongoing services; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1428** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

CS for SB 1124—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor's Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1124** to **CS for HB 1039**.

Pending further consideration of **CS for SB 1124** as amended, on motion by Senator Myers, by two-thirds vote **CS for HB 1039** was withdrawn from the Committees on Children and Families; and Criminal Justice.

On motion by Senator Myers, by two-thirds vote—

CS for HB 1039—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor's Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1124** as amended and by two-thirds vote read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (215112)(with title amendment)—On page 4, between lines 25 and 26, insert:

Section 2. *Certified domestic violence centers; capital improvement grant program.—There is established a certified domestic violence center capital improvement grant program.*

(1) A certified domestic violence center as defined in section 39.905, Florida Statutes, may apply to the Department of Children and Family Services for a capital improvement grant. The grant application must provide information that includes:

(a) A statement specifying the capital improvement that the certified domestic violence center proposes to make with the grant funds.

(b) The proposed strategy for making the capital improvement.

(c) The organizational structure that will carry out the capital improvement.

(d) Evidence that the certified domestic violence center has difficulty in obtaining funding or that funds available for the proposed improvement are inadequate.

(e) Evidence that the funds will assist in meeting the needs of victims of domestic violence and their children in the certified domestic violence center service area.

(f) Evidence of a satisfactory recordkeeping system to account for fund expenditures.

(g) Evidence of ability to generate local match.

(2) Certified domestic violence centers as defined in section 39.905, Florida Statutes, may receive funding subject to legislative appropriation, upon application to the Department of Children and Family Services, for projects to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment, subject to availability of funds. An award of funds under this section must be made in accordance with a needs assessment developed by the Florida Coalition Against Domestic Violence and the Department of Children and Family Services. The department annually shall perform this needs assessment and shall rank in order of need those centers that are requesting funds for capital improvement.

(3) The Department of Children and Family Services shall, in collaboration with the Florida Coalition Against Domestic Violence, establish criteria for awarding the capital improvement funds that must be used exclusively for support and assistance with the capital improvement needs of the certified domestic violence centers, as defined in section 39.905, Florida Statutes.

(4) The Department of Children and Family Services shall ensure that the funds awarded under this section are used solely for the purposes specified in this section. The department will also ensure that the grant process maintains the confidentiality of the location of the certified domestic violence centers, pursuant to section 39.908, Florida Statutes. The total amount of grant moneys awarded under this section may not exceed the amount appropriated for this program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, following the semicolon (;) insert: providing for the capital improvement of such centers; creating a grant program for awarding funds to such centers; providing application requirements; prescribing uses of the funds; providing duties of the Department of Children and Family Services; providing rulemaking authority for the establishment of criteria for the disbursement of funds;

Pursuant to Rule 4.19, **CS for HB 1039** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until 7:00 p.m.

On motion by Senator Myers, by two-thirds vote **CS for HB 1037** was withdrawn from the Committee on Children and Families.

On motion by Senator Myers, by two-thirds vote—

CS for HB 1037—A bill to be entitled An act relating to public records; creating s. 741.3165, F.S.; continuing confidentiality or exemption from the public records law of information obtained by a domestic violence fatality review team; exempting certain proceedings and meetings of domestic violence fatality review teams from public meeting requirements; providing that investigations, proceedings, and records of a domestic violence review team are not subject to discovery or introduction as evidence; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1126** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1037** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator King—

CS for SB 2542—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.049, F.S.; revising language with respect to food service employee training; providing for a food service training certificate program; providing for approval of existing programs; providing for requests for competitive sealed proposals; amending s. 509.291, F.S.; revising the membership of the Hotel and Restaurant Advisory Council; amending s. 561.01, F.S.; revising the definition of the term "licensee" under the Beverage Law; amending s. 561.17, F.S.; revising a provision relating to license and registration applications under the Beverage Law; amending s. 561.20, F.S.; revising language with respect to the limitation on the number of alcoholic beverage licenses issued; creating a special license category for caterers; providing conditions for operation; providing for adoption of rules; amending s. 561.29, F.S.; revising language with respect to the revocation and suspension of licenses under the Beverage Law to include another prohibition; amending s. 561.32, F.S.; revising a provision relating to the transfer of a license; amending s. 565.05, F.S.; providing an exception regarding the purchase of alcoholic beverages by golf clubs; amending s. 565.06, F.S.; authorizing the sale of alcoholic beverages in certain individual containers at golf clubs; amending s. 561.181, F.S.; revising provisions relating to the duration of temporary initial licenses; amending s. 561.331, F.S.; revising provisions relating to the duration of temporary transfer licenses; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (852986)—On page 3, line 25, following the period (.) insert: *Food service employees must receive certification pursuant to this section by January 1, 2001. Food service employees hired after November 1, 2000, must receive certification within 60 days after employment. Certification pursuant to this section remains valid for 3 years.*

Amendment 2 (653784)—On page 9, line 5, following "*caterer*" insert: *deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages*

Amendment 3 (801204)(with title amendment)—On page 12, lines 16-20, delete those lines and insert:

Section 7. Present subsection (5) of section 561.32, Florida Statutes, is renumbered as subsection (6) and amended, and a new subsection (5) is added to that section, to read:

561.32 Transfer of licenses; change of officers or directors; transfer of interest.—

(5)(a) Notwithstanding any other provision of law, except as provided in paragraph (b), any license issued after October 1, 2000, under s. 561.20(1) shall not be transferable in any manner either directly or indirectly, including by any change in stock, partnership shares, or other form of ownership of any entity holding the license, except by probate or guardianship proceedings. Any attempted assignment, sale, or transfer of interest in such license either directly or indirectly in violation of this provision is declared void, and the license shall be deemed abandoned and shall revert to the state to be issued in the manner provided by law for issuance of new licenses.

(b) A license issued after October 1, 2000, under s. 561.20(1) may be transferred as provided by law only upon payment to the division of a transfer fee in an amount equal to fifty times the annual license fee specified in s. 565.02(1)(b)-(f) in the county in which the license is valid. However, if the county is only authorized for the issuance of a liquor license for package sales only, the transfer fee shall be in an amount equal to fifty times the annual license fee specified in s. 565.02(1)(a). The transfer fee provided for in this paragraph shall be in addition to any other transfer fee provided by paragraph (3)(a) of this section.

(6)~~(5)~~ The division shall waive the transfer fee and the

And the title is amended as follows:

On page 1, line 26, following the semicolon (;) insert: revising provisions relating to transfer of a license under the Beverage Law;

Senator Lee moved the following amendment which failed:

Amendment 4 (151730)(with title amendment)—On page 17, between lines 10 and 11, insert:

Section 12. Section 563.06, Florida Statutes, is amended to read:

563.06 Malt beverages; imprint on individual container; size of containers; exemptions.—

(1) On and after October 1, 1959, all taxable malt beverages packaged in individual containers possessed by any person in the state for the purpose of sale or resale in the state, except operators of railroads, sleeping cars, steamships, buses, and airplanes engaged in interstate commerce and licensed under this section, shall have imprinted thereon in clearly legible fashion by any permanent method the word "Florida" or "FL" and no other state name or abbreviation of any state name in not less than 8-point type. The word "Florida" or "FL" shall appear first or last, if imprinted in conjunction with any manufacturer's code. A facsimile of the imprinting and its location as it will appear on the individual container shall be submitted to the division for approval.

(2) Nothing herein contained shall require such designation to be attached to individual containers of malt beverages which are transported through this state and which are not sold, delivered, or stored for sale therein, if transported in accordance with such rules and regulations as adopted by the division; nor shall this requirement apply to malt beverages packaged in individual containers and held on the premises of a brewer or bottler, which malt beverages are for sale and delivery to persons outside the state.

(3) Possession by any person in the state, except as otherwise provided herein, of more than 4½ gallons of malt beverages in individual containers which do not have the word "Florida" or "FL" as herein provided, shall be prima facie evidence that said malt beverage is possessed for the purpose of sale or resale.

(4) Except as otherwise provided herein, any malt beverages in individual containers held or possessed in the state for the purpose of sale or resale within the state which do not bear the word "Florida" or "FL" thereon shall, at the direction of the division, be confiscated in accordance with the provisions of the Beverage Law.

(5)(a) Nothing contained in this section shall require that malt beverages packaged in individual containers and possessed by any person in the state for purposes of sale or resale in the state have imprinted thereon the word "Florida" or "FL" if the manufacturer of the malt beverages can establish before the division that the manufacturer has a tracking system in place, by use of code or otherwise, which enables the manufacturer, with at least 85 percent reliability by July 1, 1996, and 90 percent reliability by January 1, 2000, to identify the following:

1. The place where individual containers of malt beverages were produced;

2. The state into which the individual containers of malt beverages were shipped; and

3. The individual distributors within the state which received the individual containers of malt beverages.

(b) Prior to shipping individual containers of malt beverages into the state which do not have the word "Florida" or "FL" imprinted thereon, the manufacturer must file an application with the division to claim the exemption contained herein and must obtain approval from the division to ship individual containers of malt beverages into the state which do not have the word "Florida" or "FL" imprinted thereon. Information furnished by the manufacturer to establish the criteria contained within paragraph (a) may be subject to an annual audit and verification by the division. The division may revoke an approved exemption if the manufacturer refuses to furnish the information required in paragraph (a) upon request of the division, or if the manufacturer fails to permit a subsequent verification audit, or if the manufacturer fails to fully cooperate with the division during the conducting of an audit.

(c) When a distributor has information that malt beverages may have been shipped into Florida on which payment of Florida excise taxes has not been made, such information may be provided to the division and the division shall investigate to ascertain whether any violations of Florida law have occurred.

(6) All malt beverages packaged in individual containers sold or offered for sale by vendors at retail in this state shall be in individual containers containing *no more than* ~~only 8, 12, 16, or~~ 32 ounces of such malt beverages; provided, however, that nothing contained in this section shall affect malt beverages packaged in bulk or in kegs or in barrels or in any individual container containing 1 gallon or more of such malt beverage regardless of individual container type.

(7) Any person, firm, or corporation, its agents, officers or employees, violating any of the provisions of this section, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; and the license, if any, shall be subject to revocation or suspension by the division.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 563.06, F.S.; removing current restrictions on containers under a specified size;

The vote was:

Yeas—16

Madam President	Casas	Latvala	Saunders
Brown-Waite	Cowin	Laurent	Scott
Campbell	Hargrett	Lee	Sebesta
Carlton	Klein	McKay	Sullivan

Nays—19

Childers	Forman	Jones	Myers
Clary	Geller	King	Rossin
Diaz de la Portilla	Grant	Kurth	Silver
Diaz-Balart	Holzendorf	Meek	Webster
Dyer	Horne	Mitchell	

Pursuant to Rule 4.19, **CS for SB 2542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB's 1284, 1476, 1528 and 1616—A bill to be entitled An act relating to improper activity over the Internet; requiring that the Department of Law Enforcement increase public awareness concerning Internet safety; requiring the department to develop guidelines for using the Internet; requiring the development of a mechanism to report crimes through an Internet site; amending s. 501.203, F.S.; including business or commercial entities within the definition of the term "consumer" for purposes of ch. 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; deleting an exemption from regulation under part II of ch. 50l, F.S., for persons regulated under laws administered by other agencies; amending s. 847.001, F.S.; defining the term "child pornography" for purposes of ch. 847, F.S.; clarifying the definition of the term "sexual conduct"; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (664832)—In title, on page 4, lines 10-27, delete those lines

The Committee on Judiciary recommended the following amendment which was moved by Senator Geller and failed:

Amendment 2 (175210)(with title amendment)—On page 13, between lines 18 and 19, insert:

(15) "Transmit" means to send an electronic communication to a specified electronic mail address or addresses.

And the title is amended as follows:

On page 1, line 31, before "for" insert: and the word "transmit"

Senator Geller moved the following amendment which was adopted:

Amendment 3 (892660)(with title amendment)—On page 13, line 19 through page 14, line 18, delete those lines and insert:

(15) "Transmit" means to send an electronic mail communication to a specified electronic mail address or addresses.

Section 9. Section 847.0137, Florida Statutes, is created to read:

847.0137 Transmission of pornography by means of the Internet prohibited; penalties.—

(1) For purposes of this section, the term "minor" means any person less than 18 years of age.

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or believed under the circumstances that he or she was transmitting, by means of the Internet:

(a) Child pornography, as defined in s. 847.001, to another person in this state or in another jurisdiction; or

(b) An image harmful to minors, as defined in s. 847.001, to a minor, or a person believed to be a minor, in this state

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or believed under the circumstances that he or she was transmitting, by means of the Internet:

(a) Child pornography, as defined in s. 847.001, to any person in this state; or

(b) An image harmful to minors, as defined in s. 847.001, to a minor, or a person believed to be a minor, in this state

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not apply to subscription-based transmissions such as list servers.

(Redesignate subsequent subsection.)

And the title is amended as follows:

On page 2, line 2, after the first semicolon (;) insert: defining the term "transmit";

Pursuant to Rule 4.19, **CS for SB's 1284, 1476, 1528 and 1616** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for HB 701** was withdrawn from the Committees on Education; Rules and Calendar; and Fiscal Policy.

On motion by Senator Horne, the rules were waived and by two-thirds vote—

CS for HB 701—A bill to be entitled An act relating to public school funding; creating the Citizens Commission on Funding K-12 Education;

providing legislative intent; providing composition, organization, and duties of the commission; assigning the commission to the Office of Legislative Services for fiscal and administrative purposes; authorizing reimbursement to members for per diem and travel expenses incurred in the performance of commission duties; providing for appointment of a director and employment of staff; authorizing entering into contracts or agreements for required expertise; authorizing application for and acceptance of funds and services from public and private sources; requiring submission of draft and final recommendations to improve the system of funding K-12 education to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education, and providing for termination of the commission upon submission of the final recommendations; providing for public hearings around the state prior to submission of the final recommendations; amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding for exceptional student education programs; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs; providing an effective date.

—a companion measure, was substituted for **SB 1204** and by two-thirds vote read the second time by title.

Senator Horne moved the following amendment:

Amendment 1 (021250)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The Task Force on Public School Funding is created to examine and make recommendations to the Governor and the Legislature on the funding of the state system of public schools. The task force is assigned to the Office of Legislative Services, created by section 11.147, Florida Statutes, for administrative and fiscal accountability purposes.*

(2) The task force shall consist of 15 members selected from among business and community leaders and the Lieutenant Governor and Commissioner of Education, who shall serve as voting ex officio members. By June 30, 2000, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint 5 members to serve for the duration of the task force. If a vacancy occurs, the official who had appointment jurisdiction for the vacated position shall appoint a member to fill the vacancy. Each appointing authority may remove his or her appointee for cause, and shall remove an appointee who, without cause, fails to attend three consecutive meetings. Members of the task force shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in section 112.061, Florida Statutes.

(3) The task force shall hold its organizational meeting by September 1, 2000; and, thereafter, shall meet at the call of the chair, but shall meet at least monthly before submitting its final recommendations. The task force shall be chaired by a member designated by the Governor. The task force shall elect a vice chair to serve in the absence of the chair. The task force shall adopt procedures or bylaws necessary for its efficient operation and may appoint subcommittees from its membership.

(4) The task force shall examine the funding of the state system of public schools as provided by the Florida Education Finance Program created by section 236.081, Florida Statutes, and implemented by the general appropriations acts. The task force shall consider at least the following:

(a) The funding of public schools based on their performance in educating students as evidenced by the achieving of equitable outcomes that meet the state academic achievement standards for all students.

(b) The relationship between state funding and local funding for public schools.

(c) The maintenance of funding equity in the allocation of dollars among school districts and schools.

(d) The acquisition and support of technology to assist in the instructional process.

(e) The funding support for parental choice in the selection of educational services for children.

(f) The results and recommendations of public school funding studies conducted by nationally recognized experts, groups, and other states.

(5) The task force:

(a) Shall appoint an executive director, who shall serve under its direction, supervision, and control. The executive director shall be the chief administrative officer of the task force. Subject to approval by the task force, the executive director shall employ, direct, and control research and support staff to serve the task force and its subcommittees. All employees of the task force are exempt from the Career Service System. The Commissioner of Education shall designate personnel of the Department of Education to assist the task force until its staff is employed.

(b) May enter into contracts or agreements with nationally recognized school-finance experts to serve in a consulting and advisory capacity.

(c) May apply for and accept funds, grants, donations, expenses, in-kind services, and other valued goods or services from the government of the United States or any of its agencies or any other public or private sources. Funds or services acquired or accepted under this paragraph must be used to carry out the task force's duties and responsibilities.

(d) Shall keep full, detailed, and accurate records pursuant to chapter 119, Florida Statutes.

(e) By September 1, 2001, shall submit draft recommendations and, by February 1, 2002, shall submit final recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Before adopting final recommendations, the task force shall conduct at least one public hearing in each of the five service regions of the Department of Education.

(6) This section expires June 30, 2003.

Section 2. *Section 236.081, Florida Statutes, is repealed effective June 30, 2004, subject to prior review by the Task Force on Public School Funding.*

Section 3. Section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.—

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing *two* ~~five~~ weighted cost factors *and a guaranteed allocation*; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral*; and reduce the paperwork burden associated with state funding*. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses *existing basic, at-risk, and vocational* ~~five~~ Florida Education Finance Program cost factors, *two exceptional education cost factors, and a guaranteed allocation* for exceptional student education programs. *Exceptional education* cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) *In order to generate funds using one of the two weighted cost factors,* a matrix of services must be completed at *the time of the student's initial placement into an exceptional student education program and at least once every 3 years* ~~least once each year~~ by ~~public school~~ personnel who have received approved training. ~~Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed.~~ Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(c) Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in paragraph (b) shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance

Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subsection (3).

(3)(a) For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 230.23(4)(m) and rules of the state board, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time-equivalent student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.

(b) The exceptional student education guaranteed allocation shall be determined annually by the Legislature based upon district's program enrollment and program costs.

(4)~~(3)~~ The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(5)~~(4)~~ The Department of Education shall *adopt* ~~promulgate~~ rules necessary to implement the revised funding model.

~~(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.~~

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public school funding; creating the Task Force on Public School Funding; providing for the appointment and organization of the task force; specifying powers and duties; specifying duties of the Department of Education; requiring certain reports and public hearings; repealing s. 236.081, F.S., relating to the Florida Education Finance; amending s. 236.025, F.S.; revising funding for exceptional student education programs; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (775146)(with title amendment)—On page 6, between lines 24 and 25, insert:

Section 4. Section 229.05371, Florida Statutes, is amended to read:

229.05371 ~~Pilot program;~~ Scholarships to public or private school of choice for students with disabilities.—

(1) *SCHOLARSHIP* ~~PILOT~~ PROGRAM.—There is established a ~~pilot~~ program, which is separate and distinct from the Opportunity Scholarship Program, ~~in the Sarasota school district,~~ to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the ~~pilot~~ program is limited to 5 percent of the students with disabilities in the school district during the first year, 10 percent of students with disabilities during the second year, ~~and~~ 20 percent of students with disabilities during the third *year*, and *no caps in* subsequent years. The following applies to the ~~pilot~~ program:

(a) To be eligible to participate in the ~~pilot~~ program, a private school must meet all requirements of s. 229.0537(4), except for the accreditation requirements of s. 229.0537(4)(f). For purposes of the ~~pilot~~ program, notification under s. 229.0537(4)(b) must be separate from the notification under the Opportunity Scholarship Program.

(b) The school district ~~that participates in the pilot program~~ must comply with the requirements in s. 229.0537(3)(a)2., (c), and (d).

(c) The amount of the scholarship in the ~~pilot~~ program shall be equal to the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the ~~pilot~~ program, a student or parent must:

1. Comply with the eligibility criteria in s. 229.0537(2)(b) and all provisions of s. 229.0537 which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan; or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent must believe that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

(2) The provisions of s. 229.0537(6) and (8) shall apply to the ~~pilot~~ program authorized in this section. This ~~pilot~~ program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 13, following the semicolon (;) insert: amending s. 229.05371, F.S.; converting a pilot program for scholarships for students with disabilities to statewide application;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 701** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

SB 252—A bill to be entitled An act relating to insurance; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a certain date; providing application; requiring disclosure of certain information to policyholders or premium payors; amending s. 627.5045, F.S.; deleting an application exception from certain secondary notice requirements; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Mitchell and adopted:

Amendment 1 (870900)(with title amendment)—On page 1, line 29 through page 2, line 22, delete section 2 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 7-10, delete those lines and insert: policyholders or premium payors; providing an effective date.

Pursuant to Rule 4.19, **SB 252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for CS for SB 1462—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2000; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the Florida Commission on Community Service to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2000; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1876—A bill to be entitled An act relating to the placement of rip current warning signs; providing a short title; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Latvala, the rules were waived and time of recess was extended until 7:30 p.m.

An amendment was considered and adopted to conform **CS for SB 1876** to **HB 273**.

Pending further consideration of **CS for SB 1876** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 273** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Judiciary.

On motion by Senator Diaz de la Portilla—

HB 273—A bill to be entitled An act relating to the placement of rip current warning signs; providing a short title; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1876** as amended and read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (860286)(with title amendment)—On page 3, between lines 5 and 6, insert:

(7) This section is not intended to relieve a governmental entity of any responsibility imposed by other provisions of law with regard to the posting of warning signs other than those covered by this section.

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing applicability;

Pursuant to Rule 4.19, **HB 273** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver, by two-thirds vote **CS for HB 1457** was withdrawn from the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

On motion by Senator Silver—

CS for HB 1457—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

—a companion measure, was substituted for **CS for SB 1602** and read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (361528)(with title amendment)—On page 4, between lines 20 and 21, insert:

Section 2. Section 265.2867, Florida Statutes, is created to read:

265.2867 Official Florida Treasures Program.—

(1) It is the intent of the Legislature to honor the cultural, historical, and social treasures of Florida by encouraging the preservation and public display of objects of significant cultural, historical and social importance to the state. Further, it is the intent of the Legislature to encourage research of the cultures and histories of the various groups that have settled in Florida and to encourage the dissemination of information on these diverse cultures and histories throughout the state. In furtherance of this goal, it is the intent of the Legislature to recognize and honor the museums that make significant contributions to the public by preserving and displaying objects of cultural, historical or social significance and by disseminating important cultural, historical, and social information.

(2) There is created within the Department of State the Official Florida Treasures Program. Under this program, the Department of State may designate a museum as an "Official Florida Treasure."

(3) An "Official Florida Treasure" is a museum that maintains, preserves and displays for public viewing objects of significant cultural, historical, or social importance, that researches and disseminates information related to the culture and history of one or more of the various groups of people that have settled in Florida, and that has been designated by the Department of State as an organization that meets the requirements of this act.

(4) In order for a museum to be designated as an "Official Florida Treasure" by the Department of State that museum must:

(a) Be devoted to the maintenance, preservation, and public display of objects of significant cultural, historical, or social value to the state;

(b) Be dedicated to preserving the history of any racial, ethnic, or cultural group that has settled in Florida and provide information and actively research or support research related to the history in Florida of that racial, ethnic, or cultural group;

(c) Provide for statewide outreach programs and traveling exhibits;

(d) Be open to the public and, if memberships in the museum or its support organization are offered, offer memberships to the public regardless of race, ethnicity, color, creed, gender, or national origin;

(e) Have strong local and statewide support as evidenced by, but not limited to, participation in the state's Cultural Endowment Program and membership from throughout the state.

(f) Be fiscally responsible and financially stable; and

(g) Be a recipient of a designation under s. 501(c)(3) of the Internal Revenue Code.

(5) The Department of State shall adopt rules to implement this section, including rules prescribing the process by which applications for the designation of "Official Florida Treasure" are made, reviewed, and approved. This process may include the designation of an advisory committee to review applications and make recommendations to the Secretary of State for final determination.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating s. 265.2867, F.S.; providing legislative intent; creating the Official Florida Treasures Program; authorizing the Department of State to designate an organization that meets specific standards as an Official Florida Treasure; creating the standards to be followed by the department in the review process; authorizing the department to adopt rules;

Amendment 2 (432418)(with title amendment)—On page 4, between lines 20 and 21, insert:

Section 2. *The sum of $1 million is appropriated from the Land Acquisition Trust Fund in the Department of Environmental Protection to the Division of Cultural Affairs of the Department of State for the purpose of providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of regional cultural facilities. Upon this appropriation becoming a law, the Governor shall place Specific Appropriation 1490H of the General Appropriations Act for the 2000-2001 fiscal year, which provides funding for land acquisition for the Performing Arts Center in Miami-Dade County, in reserve in the Executive Office of the Governor.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: providing an appropriation;

Amendment 3 (253794)(with title amendment)—On page 4, between lines 20 and 21, insert:

Section 2. Subsection (6) of section 265.606, Florida Statutes, is amended to read:

265.606 Cultural Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.—

(6)(a) Preservation of the $600,000 capital value of each endowment shall be the primary investment constraint upon the trustee.

(b) The investment objectives of the trustee are to preserve the principal amount of each endowment while maximizing current income through the use of investment-quality *financial* ~~fixed income~~ instruments. The market value of $600,000 for each individual endowment in a local cultural endowment program fund shall be maintained.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments;

Senator McKay moved the following amendment which was adopted:

Amendment 4 (872384)(with title amendment)—On page 4, between lines 20 and 21, insert:

Section 2. *The John and Mable Ringling Museum of Art is transferred from the Board of Trustees of the John and Mable Ringling Museum of Art in the Department of State to the Florida State University.*

Section 3. Section 240.711, Florida Statutes, is created to read:

240.711 Ringling Center for Cultural Arts.—

(1) The Florida State University Ringling Center for Cultural Arts is created. The center consists of the following properties located in Sarasota County:

(a) The John and Mable Ringling Museum of Art composed of:

1. The art museum;

2. The Ca' d'Zan (the Ringling residence); and

3. The Ringling Museum of the Circus.

(b) The Florida State University Center for the Fine and Performing Arts, including the Asolo Theater and the Florida State University Center for the Performing Arts, both of which shall provide for academic programs in theatre, dance, art, art history, and museum management.

The center shall be operated by the Florida State University, which shall be charged with encouraging participation by K-12 schools and by other colleges and universities, public and private, in the educational and cultural enrichment programs of the center.

(2)(a) The John and Mable Ringling Museum of Arts is designated as the official Art Museum of the State of Florida. The purpose and function of the museum is to maintain and preserve all objects of art and artifacts donated to the state through the will of John Ringling; to acquire and preserve objects of art or artifacts of historical or cultural significance; to exhibit such objects to the public; to undertake scholarly research and publication, including that relating to the collection; to provide educational programs for students at K-12 schools and those in college and graduate school and enrichment programs for children and adults; to assist other museums in the state and nation through education programs and through loaning objects from the collection when such loans do not threaten the safety and security of the objects; to enhance knowledge and appreciation of the collection; and to engage in other activities related to visual arts which benefit the public. The museum shall also engage in programs on the national and international level to enhance further the cultural resources of the state.

(b) The Florida State University shall approve a John and Mable Ringling Museum of Art direct-support organization. Such direct-support organization shall consist of no more than 31 members appointed by the president of the university from a list of nominees provided by the Ringling direct-support organization. No fewer than one-third of the members must be residents of Sarasota and Manatee Counties, and the remaining members may reside elsewhere. The current members of the Board of Trustees of the John and Mable Ringling Museum of Art may be members of the direct-support organization. They shall develop a charter and by-laws to govern their operation, and these shall be subject to approval by the Florida State University.

(c) The John and Mable Ringling Museum of Art direct-support organization, operating under the charter and by-laws and such contracts as are approved by the university, shall set policies to maintain and preserve the collections of the Art Museum; the Circus Museum; the furnishings and objects in the Ringling home, referred as the Ca' d'Zan; and other objects of art and artifacts in the custody of the museum. Title to all such collections, art objects, and artifacts of the museums and its facilities shall remain with the Florida State University, which shall assign state registration numbers to, and conduct annual inventories of, all such properties. The direct-support organization shall develop policy for the museum, subject to the provisions of the John Ringling will and the overall direction of the president of the university; and it is invested with power and authority to nominate a museum director who is appointed by and serves at the pleasure of the president of the university and shall report to the provost of the university or his or her designee. The museum director, with the approval of the provost or his or her designee, shall appoint other employees in accordance with Florida Statutes and rules; remove the same in accordance with Florida Statutes and rules; provide for the proper keeping of accounts and records and budgeting of funds; enter into contracts for professional programs of the museum and for the support and maintenance of the museum; secure public liability insurance; and do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the museum at the highest efficiency economically possible, while taking into consideration the purposes of the museum.

(d) Notwithstanding the provision of s. 287.057, the John and Mable Ringling Museum of Art direct-support organization may enter into contracts or agreements with or without competitive bidding, in its discretion, for the restoration of objects of art in the museum collection or for the purchase of objects of art that are to be added to the collection.

(e) Notwithstanding s. 273.055, the university may sell any art object in the museum collection, which object has been acquired after 1936, if the director and the direct-support organization recommend such sale to the president of the university and if they first determine that the object is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Ringling Museum Art Acquisition, Restoration, and Conservation Trust Fund. The university also may exchange any art object in the collection, which object has been acquired after 1936, for an art object or objects that the director and the museum direct-support

organization recommend to the university after judging these to be of equivalent or greater value to the museum.

(f) An employee or member of the museum direct-support organization may not receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art and may not be a business associate of any individual, firm, or organization involved in the sale or exchange.

(g) The university, in consultation with the direct-support organization, shall establish policies and may adopt rules for the sale or exchange of works of art.

(h) The John and Mable Ringling Museum of Art direct-support organization shall cause an annual audit of its financial accounts to be conducted by an independent certified public accountant, performed in accordance with generally accepted accounting standards. Florida State University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

(i) The direct-support organization is given authority to make temporary loans of paintings and other objects of art or artifacts belonging to the John and Mable Ringling Museum of Art for the purpose of public exhibition in art museums, other museums, or institutions of higher learning wherever located, including such museums or institutions in other states or countries. Temporary loans may also be made to the executive mansion in Tallahassee, chapters and affiliates of the John and Mable Ringling Museum of Art, and, for education purposes, to schools, public libraries, or other institutions in the state, if such exhibition will benefit the general public as the university deems wise and for the best interest of the John and Mable Ringling Museum of Art and under policies established by Florida State University for the protection of the paintings and other objects of art and artifacts. In making temporary loans, the direct-support organization shall give first preference to art museums, other museums, and institutions of higher learning.

(j) Notwithstanding any other provision of law, the John and Mable Ringling Museum of Art direct-support organization is eligible to match state funds in the Major Gifts Trust Fund established pursuant to s. 240.2605 as follows:

1. For the first $1,353,750, matching shall be on the basis of 75 cents in state matching for each dollar of private funds.

2. For additional funds, matching shall be provided on the same basis as is authorized in s. 240.2605.

Section 4. *Sections 265.26 and 265.261, Florida Statutes, are repealed.*

Section 5. Paragraph (e) of subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(e) For *the officially designated Art Museum of the State of Florida described in s. 240.711* ~~state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts~~, not less than $2.2 million.

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 6. Subsection (11) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(11) The ~~Board of Trustees of the~~ John and Mable Ringling Museum of Art *direct-support organization* may obtain a license upon the payment of an annual license tax of $400. Such license shall permit sales for consumption on the premises of the museum in conjunction with artistic, educational, cultural, civic, or charitable events held on the premises of the museum under the auspices or authorization of the licensee. The issuing of a license under this subsection is not subject to any quota or limitation, except that the license shall be issued only to the *direct-support organization* ~~board of trustees~~ of the museum or *its* ~~the board's~~ designee. Except as otherwise provided in this subsection, the entity licensed hereunder shall be treated as a vendor licensed to sell by the drink the beverages mentioned herein and shall be subject to all provisions relating to such vendors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, following the semicolon (;) insert: transferring the John and Mable Ringling Museum of Art to Florida State University; creating s. 240.711, F.S.; creating the Ringling Center for Cultural Arts; providing for its governance, for a direct-support organization, and for operations; providing powers of the university and its agents and employees; repealing s. 265.26, F.S., relating to the Trustees of the John and Mable Ringling Museum of Art; repealing s. 265.261, F.S., relating to that museum's direct-support organization; amending s. 265.2861, F.S.; revising distributions from the Cultural Institutions Trust Fund; amending s. 565.02, F.S.; transferring the beverage license of the museum board of trustees to the direct-support organization;

Pursuant to Rule 4.19, **CS for HB 1457** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1916—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.61, F.S.; prohibiting the granting of a replacement application until the exhaustion of appellate remedies with respect to certain complaints against licensees; amending s. 320.64, F.S.; providing grounds for denying, suspending, or revoking a license; requiring the maintenance of certain records; amending s. 320.641, F.S.; revising provisions relating to the unfair cancellation of franchise agreements; providing clarification regarding when a complaint may be filed; establishing a burden of proof standard; providing standards for determining when an agreement is unfair; amending s. 320.643, F.S.; prohibiting certain rights of first refusal; amending s. 320.645, F.S.; restricting the ownership of dealerships by licensees; prohibiting licensees from receiving a motor vehicle dealer's license; defining terms; providing exceptions; amending s. 320.695, F.S.; providing additional grounds for issuing injunctions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Latvala and adopted:

Amendment 1 (111000)—On page 2, line 8, delete "*motor dealer*" and insert: *motor vehicle dealer*

Pursuant to Rule 4.19, **CS for SB 1916** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1716—A bill to be entitled An act relating to obscenity; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (392278)—On page 1, line 15, following "*Each*" insert: *county or municipal*

Pursuant to Rule 4.19, **CS for SB 1716** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

SB 2186—A bill to be entitled An act relating to government accountability; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien unless authorized by law; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 112.3185, F.S.; prohibiting a state employee from holding certain employment or contractual relationships following resignation of such employment; amending s. 287.058, F.S.; requiring that certain state contracts be subject to cancellation upon refusal by the contractor to allow access to public records; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (442470)—On page 8, lines 16-22, delete those lines and insert: *reasonable" means the amount permissible pursuant to Rule 4-1.5 of the Rules Regulating The Florida Bar and case law interpreting that rule.*

Senator Forman moved the following amendment which was adopted:

Amendment 2 (924564)(with title amendment)—On page 11, between lines 28 and 29, insert:

Section 6. Section 60.08, Florida Statutes, is created to read:

60.08 Injunctions sought by the state pursuant to statute shall issue without bond.—In any action for injunctive relief sought by the state or one of its agencies as provided in ss. 501.207(1)(b), 542.23, and 895.05(5), any injunction sought shall issue without bond or surety and no bond or surety shall be required during the term of the injunction.

Section 7. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, delete the semicolon (;) and insert: and legal proceedings; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; providing for severability;

Pursuant to Rule 4.19, **SB 2186** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

CS for SB 2322—A bill to be entitled An act relating to state leases; amending s. 216.043, F.S.; requiring state agencies to present justification before terminating a lease of privately owned property; amending s. 255.249, F.S.; providing for the coordination and assumption of the remaining term of a lease terminated by a state agency before the end of its base term; amending s. 255.25, F.S.; providing for the determination and amortization of the cost of tenant improvements; providing a process for the recovery of unamortized cost of tenant improvements when a lease is terminated before the end of its base term; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2322** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

SB 1024—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers; amending s. 112.19, F.S.; providing for graduate or postgraduate educational expenses to be waived for children of officers killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (471446)(with title amendment)—On page 6, line 25 through page 7, line 3, delete those lines and insert: an undergraduate education*, or a graduate or post-baccalaureate professional degree*. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours *for a vocational-technical certificate or an undergraduate education. For a child pursuing a graduate or post-baccalaureate professional degree, the amount waived shall equal the cost of tuition, matriculation, and registration fees incurred while the child continues to fulfill the professional requirements associated with the graduate or post-baccalaureate professional degree program*. The child may attend a state

And the title is amended as follows:

On page 1, line 5, delete "postgraduate" and insert: post-baccalaureate professional

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 2 (262406)(with title amendment)—On page 8, between lines 23 and 24, insert:

Section 2. *For fiscal year 2000-2001, $250,000 is appropriated from recurring general revenue funds for waivers authorized by this section for eligible students pursuing graduate or post-baccalaureate professional degrees.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing an appropriation;

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Silver:

Amendment 3 (841292)(with title amendment)—On page 8, between lines 23 and 24, insert:

Section 2. *(1) The State Board of Education shall adopt by rule uniform policies and procedures to be implemented if a student athlete is arrested for a crime. The uniform procedures shall apply to each institution in the State University System, each state community college, and any other institution of higher education that receives state funds. The uniform policies and procedures must be included in the institution's handbook, manual, or other similar document regularly provided to faculty and students.*

(2) As used in this section, the term "student athlete" means a student who participates in intercollegiate athletics or who has informed the

institution in writing of the student's intent to participate in intercollegiate athletics.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to higher education; requiring the State Board of Education to adopt by rule uniform procedures to be implemented when a student athlete is arrested for a crime; providing for such procedures to the State University System, community colleges, and institutions that receive state funds; defining the term "student athlete"; requiring that notice be provided to faculty and students; establishing a 4-year

Senator Silver moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (493944)—In title, on page 2, lines 13-18, delete those lines and insert: providing for such procedures to apply to the State University System, community colleges, and institutions that receive state funds; defining the term "student athlete"; requiring that notice be provided to faculty and students;

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **SB 1024** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 2162—A bill to be entitled An act relating to mitigation; amending s. 373.4135, F.S.; requiring a memorandum of agreement under certain conditions; amending s. 373.4136, F.S.; revising provisions relating to the size of the mitigation service area; providing for use of regional watersheds to guide the establishment of mitigation service areas; requiring satisfaction of cumulative impact considerations; providing rulemaking authority; providing that mitigation bank permit applications are subject to certain established processing procedures; amending s. 373.414, F.S.; revising reporting provisions relating to money donated as wetlands mitigation; requiring the Department of Environmental Protection and certain water management districts to adopt a single uniform functional assessment methodology, by rule, by a specified date; directing local government use of the methodology; providing conditions and procedures for use of the methodology; directing a study by the Office of Program Policy Analysis and Governmental Accountability on cumulative impacts; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1 (424904)—On page 14, lines 25-29, delete those lines and insert: *s. 70.001. If the rule establishing the uniform wetland mitigation assessment method is deemed to be invalid, the applicable rules, regulations, and ordinances related to establishing needed mitigation in existence prior to the adoption of the uniform wetland mitigation assessment method, including those adopted by a county which is an approved local program under s. 403.182, and the method described in*

Amendment 2 (033166)—On page 14, lines 19 and 20, delete those lines and insert: *shall account for different ecological communities in different areas of the state. In developing the uniform wetland mitigation assessment method, the department and water management districts shall consult with approved local programs under s. 403.182 which have an established wetland mitigation program. The department and water management districts shall consider the recommendations submitted by such approved local programs, including any recommendations relating to the adoption by the department and water management districts of any uniform wetland mitigation methodology that has been adopted and used by an approved local program in its established wetland mitigation program. Environmental resource permitting rules*

Pursuant to Rule 4.19, **CS for SB 2162** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of motions and announcements.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **HB 869** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

MOTIONS

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 2.

On motion by Senator McKay, a deadline of 15 minutes past the time of recess this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Tuesday, May 2.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 113, CS for CS for HB 593; has passed as amended CS for HB 701, CS for HB 1037, CS for HB 1039, HB 2121 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Judiciary, Transportation and Representative Wise—

CS for CS for HB 113—A bill to be entitled An act relating to suspension of a driver's license; amending s. 322.2615, F.S.; providing that the disposition of any related criminal proceedings shall not affect a suspension of a driver's license for refusal to submit to a blood, breath, or urine test; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation and Criminal Justice.

By the Committees on General Government Appropriations; Real Property and Probate; and Representative Cantens and others—

CS for CS for HB 593—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 719.103, F.S.; providing for governance of a timeshare cooperative; defining the term "timeshare estate" for purposes of ch. 719, F.S., the Cooperative Act; amending s. 719.107, F.S.; providing for joint and several liability for payments of assessments and charges with respect to a timeshare unit; amending s. 719.114, F.S.; providing for assessing timeshare estates for purposes of ad valorem taxes and special assessments; amending s. 719.3026, F.S.; exempting certain contracts from provisions governing products and services; amending s. 719.401, F.S.; specifying the term of the leasehold for a timeshare cooperative; amending s. 719.503, F.S.; requiring that certain additional disclosures be made prior to the sale or transfer of a timeshare estate; amending s. 719.504, F.S.; requiring that the creation and sale of a timeshare estate with respect to a cooperative unit be disclosed in the prospectus or offering circular; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Timesharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising requirements with respect to contracts for the purchase of timeshare interests; amending s. 721.065, F.S.; providing for resale listings; providing legislative intent; providing for

the deposit of certain advance fees in a trust account; providing requirements with respect to resale; providing penalties; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing conditions for the delivery of a purchaser public offering statement which is not yet approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.075, F.S.; revising language with respect to incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing additional criteria with respect to compliance with certain conditions for the release of escrow funds; providing requirements with respect to unclaimed escrow funds; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.10, F.S.; revising language with respect to cancellation; amending s. 721.11, F.S.; providing a filing fee with respect to advertising materials filed with the division; revising language with respect to advertising materials; providing additional criteria for advertising materials; amending s. 721.111, F.S.; revising language with respect to prize and gift promotional offers; amending s. 721.12, F.S., relating to recordkeeping by a seller; amending s. 721.13, F.S.; revising language with respect to management; providing additional powers of the board of administration of the owners' association; amending s. 721.14, F.S., relating to discharge of the managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing requirements with respect to insurance; amending s. 721.16, F.S.; revising language with respect to liens for overdue assessments and liens for labor performed on, or materials furnished to a timeshare unit; providing a lien for certain damages done by a guest; amending s. 721.165, F.S.; providing penalties for failure to obtain certain insurance; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S., relating to exchange programs; amending s. 721.19, F.S., relating to provisions requiring the purchase or lease of timeshare property by owners' associations or purchasers; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.21, F.S., relating to purchasers' remedies; amending s. 721.24, F.S.; revising language with respect to firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.27, F.S.; revising language with respect to the annual fee for each timeshare unit in the plan; creating s. 721.29, F.S.; providing for the protection of purchasers' rights when recording is not available in certain jurisdictions; amending s. 721.51, F.S.; revising language with respect to legislative purpose and scope concerning vacation clubs; amending s. 721.52, F.S.; revising the definition of the term "multisite timeshare plan"; amending s. 721.53, F.S.; providing an additional piece of information which the developer may provide to the division prior to offering an accommodation or facility as a part of a multisite timeshare plan; amending s. 721.55, F.S.; revising language with respect to the public offering statement for a multisite timeshare plan; amending s. 721.551, F.S., relating to the delivery of a multisite timeshare plan public offering statement; amending s. 721.552, F.S., relating to additions, substitutions, or deletions of component site accommodations or facilities; repealing s. 721.553, F.S., relating to the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the management of multisite timeshare plans; amending s. 721.81, F.S.; revising legislative purpose with respect to the Timeshare Lien Foreclosure Act; amending s. 721.82, F.S.; revising the definition of the term "assessment lien"; amending s. 721.84, F.S., relating to the appointment of a resident agent; amending s. 721.85, F.S., relating to service to notice address or on registered agent; amending s. 721.86, F.S., including a cross reference; amending s. 718.103, F.S.; correcting a cross reference; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

By the Committees on Governmental Operations, Education Appropriations and Representative Sorensen and others—

CS for HB 701—A bill to be entitled An act relating to public school funding; creating the Citizens Commission on Funding K-12 Education; providing legislative intent; providing composition, organization, and duties of the commission; assigning the commission to the Office of Legislative Services for fiscal and administrative purposes; authorizing reimbursement to members for per diem and travel expenses incurred in the performance of commission duties; providing for appointment of a director and employment of staff; authorizing entering into contracts or agreements for required expertise; authorizing application for and acceptance of funds and services from public and private sources; requiring submission of draft and final recommendations to improve the system of funding K-12 education to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education, and providing for termination of the commission upon submission of the final recommendations; providing for public hearings around the state prior to submission of the final recommendations; amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding for exceptional student education programs; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs; providing an effective date.

—was referred to the Committees on Education; Rules and Calendar; and Fiscal Policy.

By the Committee on Family Law and Children; and Representative Pruitt and others—

CS for HB 1037—A bill to be entitled An act relating to public records; creating s. 741.3165, F.S.; continuing confidentiality or exemption from the public records law of information obtained by a domestic violence fatality review team; exempting certain proceedings and meetings of domestic violence fatality review teams from public meeting requirements; providing that investigations, proceedings, and records of a domestic violence review team are not subject to discovery or introduction as evidence; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committee on Children and Families.

By the Committee on Family Law and Children; and Representative Pruitt and others—

CS for HB 1039—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor's Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children and Families; and Criminal Justice.

By Representative Villalobos and others—

HB 2121—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Plan; amending s. 373.4149, F.S.; clarifying the boundaries of the plan area; repealing s. 373.4149(5), F.S.; relating to requirements on the sale or lease of certain property or the issuance of a development order in the plan area; extinguishing any rights that may have been acquired pursuant to the repealed language, if certain conditions are not met; providing a directive to the Division of Statutory Revision; providing an effective date.

(Substituted for **CS for SB 2220** on the Special Order Calendar this day.)

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 1220, SB 1256 and CS for CS for SB 1262; has passed SB

1260 by the required Constitutional three-fifths vote of the membership of the House; and has adopted SCR 720.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-SPONSORS

Senators Clary—CS for CS for CS for SB's 852, 2 and 46; CS for CS for SB 862; Cowin—CS for SB 1910; Geller—CS for CS for SB 2324

RECESS

On motion by Senator McKay, the Senate recessed at 7:31 p.m. to reconvene at 9:30 a.m., Tuesday, May 2.

SENATE PAGES

May 1-5

Ivy Baker, Tallahassee; Shannon Blizzard, Tallahassee; Stephanie Haskins, Boca Raton; Mark Johnson, Tallahassee; Antionette Knox, Quincy; Abbey Lundy, Perry; Lauren MacDonald, Winter Garden; Amanda May, Tallahassee; George McNerney, DeLand; Rhonda Nesbitt, Jacksonville; Ronnie Nesbitt, Jacksonville; Joshua Pritchard, Orlando; Ronald Rivero, Hialeah; Sarah Smokay, Orlando; Mitchell Wallberg, Tallahassee